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THE HISTORY OF ENGLAND.

VOL. VI.

THE

HISTORY

OF

ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

The REVOLUTION in 1688.

IN EIGHT VOLUMES.

By DAVID HUME, Esq;

VOL. VI.

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To which is prefixed,

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OF

GREAT BRITAIN.

JAMES I.

CHAP. XLV.

Introduction——James's firſt tranſactions——State of Europe——Roſni's negociations——Raleigh's conſpiracy——Hampton-court conference——A parliament——Peace with Spain.

THE crown of England was never tranſmitted from father to ſon with greater tranquillity, than it paſſed from the family of Tudor to that of Stuart. During the whole reign of Elizabeth, the eyes of men had been employed in ſearch of her ſucceſſor; and when old age made the proſpect of her death more immediate, there appeared none but the king of Scots, who could advance any juſt claim or pretenſion

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to the throne. He was great-grandſon of Margaret, elder daughter of Henry VII. and, on the failure of the male-line, his hereditary right remained unqueſtionable. If the religion of Mary queen of Scots, and the other prejudices contracted againſt her, had formed any conſiderable obſtacle to her ſucceſſion; theſe objections, being entirely perſonal, had no place with regard to her ſon. Men alſo conſidered, that though the title, derived from blood, had been frequently violated ſince the Norman conqueſt, ſuch licences had proceeded more from force or intrigue, than from any deliberate maxims of government. The lineal heir had ſtill in the end prevailed; and both his excluſion and reſtoration had been commonly attended with ſuch convulſions, as were ſufficient to warn all prudent men not lightly to give way to ſuch irregularities. If the will of Henry VIII. authoriſed by act of parliament, had tacitly excluded the Scottiſh line; the tyranny and caprices of that monarch had been ſo ſignal, that a ſettlement of this nature, unſupported by any juſt reaſon, had no authority with the people. Queen Elizabeth too, with her dying breath, had recognized the undoubted title of her kinſman James; and the whole nation ſeemed to diſpoſe themſelves with joy and pleaſure for his reception. Though born and educated amidſt a foreign and hoſtile people, men hoped, from his character of moderation and wiſdom, that he would embrace the maxims of an Engliſh monarch; and the prudent foreſaw greater advantages reſulting from a union with Scotland, than diſadvantages from ſubmitting to a prince of that nation. The alacrity, with which the Engliſh looked toward the ſucceſſor, had appeared ſo evident to Elizabeth, that, concurring with other cauſes, it affected her with the deepeſt melancholy; and that wiſe princeſs, whoſe penetration and

and experience had given her the greateſt inſight into human affairs, had not yet ſufficiently weighed the ingratitude of courtiers, and levity of the people. CHAP. XLV. 1603.

As victory abroad, and tranquillity at home, had attended this princeſs, ſhe left the nation in ſuch flouriſhing circumſtances, that her ſucceſſor poſſeſſed every advantage, except that of compariſon with her illuſtrious name, when he mounted the throne of England. The king's journey from Edinburgh to London, immediately afforded to the inquiſitive ſome circumſtances of compariſon, which even the natural partiality in favour of their new ſovereign could not interpret to his advantage. As he paſſed along, all ranks of men flocked about him, from every quarter; allured by intereſt or curioſity. Great were the rejoicings, and loud and hearty the acclamations which reſounded from all ſides; and every one could remember how the affability and popular manners of their queen diſplayed themſelves, amidſt ſuch concourſe and exultation of her ſubjects. But James, though ſociable and familiar with his friends and courtiers, hated the buſtle of a mixt multitude; and though far from diſliking flattery, yet was he ſtill fonder of tranquillity and eaſe. He iſſued therefore a proclamation, forbidding this reſort of people, on pretence of the ſcarcity of proviſions, and other inconveniencies, which, he ſaid, would neceſſarily attend it [a]. First tranſactions of this reign.

He was not, however, inſenſible to the great flow of affection which appeared in his new ſubjects; and being himſelf of an affectionate temper, he ſeems to have been in haſte to make them ſome return of kindneſs and good offices. To this motive, probably, we are to aſcribe that profuſion of titles, which was obſerved in the beginning of his reign; when, in ſix weeks time after his entrance

[a] Kennet, p. 662.

CHAP. XLV. 1603.

into the kingdom, he is computed to have beſtowed knighthood on no leſs than 237 perſons. If Elizabeth's frugality of honours, as well as of money, had formerly been repined at, it began now to be valued and eſteemed: And every one was ſenſible that the king, by his laviſh and premature conferring of favours, had failed of obliging the perſons on whom he beſtowed them. Titles of all kinds became ſo common, that they were ſcarcely marks of diſtinction; and being diſtributed, without choice or deliberation, to perſons unknown to the prince, were regarded more as the proofs of facility and good-nature, than of any determined friendſhip or eſteem.

A PASQUINADE was affixed to St. Paul's, in which an art was promiſed to be taught, very neceſſary to aſſiſt frail memories, in retaining the names of the new nobility[b].

WE may preſume, that the Engliſh would have thrown leſs blame on the king's facility in beſtowing favours, had theſe been confined entirely to their own nation, and had not been ſhared out, in too unequal proportions, to his old ſubjects. James, who, through his whole reign, was more guided by temper and inclination than by the rules of political prudence, had brought with him great numbers of his Scottiſh courtiers; whoſe impatience and importunity were apt, in many particulars, to impoſe on the eaſy nature of their maſter, and extort favours, of which, it is natural to imagine, his Engliſh ſubjects would loudly complain. The duke of Lenox, the earl of Marre, lord Hume, lord Kinloſs, Sir George Hume, ſecretary Elphinſtone[c], were immediately added to the Engliſh privy council. Sir George Hume, whom he created earl of Dunbar, was his declared favourite as long as that nobleman lived, and was one of the wiſeſt

[b] Wilſon, in Kennet, p. 665. [c] Ibid. p. 662.

and

and moſt virtuous, though the leaſt powerful, of all thoſe whom the king ever honoured with that diſtinction. Hay, ſome time after, was created viſcount Doncaſter, then earl of Carliſle, and got an immenſe fortune from the crown; all of which he ſpent in a ſplendid and courtly manner. Ramſay obtained the title of earl of Holderneſs; and many others, being raiſed, on a ſudden, to the higheſt elevation, encreaſed, by their inſolence, that envy, which naturally attended them, as ſtrangers and ancient enemies. CHAP. XLV. 1603.

It muſt however be owned, in juſtice to James, that he left almoſt all the chief offices in the hands of Elizabeth's miniſters, and truſted the conduct of political concerns, both foreign and domeſtic, to his Engliſh ſubjects. Among theſe, ſecretary Cecil, created ſucceſſively lord Effindon, viſcount Cranborne, and earl of Saliſbury, was always regarded as his prime miniſter and chief counſellor. Though the capacity and penetration of this miniſter were ſufficiently known, his favour with the king created ſurprize on the acceſſion of that monarch. The ſecret correſpondence into which he had entered with James, and which had ſenſibly contributed to the eaſy reception of that prince in England, laid the foundation of Cecil's credit; and while all his former aſſociates, Sir Walter Raleigh, lord Grey, lord Cobham, were diſcountenanced on account of their animoſity againſt Eſſex, as well as for other reaſons, this miniſter was continued in employment, and treated with the greateſt confidence and regard.

The capacity of James and his miniſters in negociation was immediately put to trial, on the appearance of ambaſſadors from almoſt all the princes and ſtates of Europe, in order to congratulate him on his acceſſion, and to form with him new treaties and alliances. Beſide

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ſide miniſters from Venice, Denmark, the Palatinate; Henry Frederic of Naſſau, aſſiſted by Barnevelt the penſionary of Holland, was ambaſſador from the ſtates of the United Provinces. Aremberg was ſent by archduke Albert; and Taxis was expected in a little time from Spain. But he who moſt excited the attention of the public, both on account of his own merit and that of his maſter, was the marqueſs of Roſni, afterwards duke of Sully, prime miniſter and favourite of Henry IV. of France.

State of Europe.

WHEN the dominions of the houſe of Auſtria devolved on Philip II. all Europe was ſtruck with terror, leſt the power of a family, which had been raiſed by fortune, ſhould now be carried to an immeaſurable height, by the wiſdom and conduct of this monarch. But never were apprehenſions found in the event to be more groundleſs. Slow without prudence, ambitious without enterprize, falſe without deceiving any body, and refined without any true judgment; ſuch was the character of Philip, and ſuch the character, which, during his life-time, and after his death, he impreſſed on the Spaniſh councils. Revolted or depopulated provinces, diſcontented or indolent inhabitants, were the ſpectacles which thoſe dominions, lying in every climate of the globe, preſented to Philip III. a weak prince, and to the duke of Lerma, a miniſter weak and odious. But though military diſcipline, which ſtill remained, was what alone gave ſome appearance of life and vigour to that languiſhing body; yet ſo great was the terror, produced by former power and ambition, that the reduction of the houſe of Auſtria was the object of men's vows, throughout all the ſtates of Chriſtendom. It was not perceived, that the French empire, now united in domeſtic peace, and governed by the moſt heroic and moſt amiable prince that adorns modern ſtory, was become,

of

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1603. Roſni's negociations.

of itſelf, a ſufficient counterpoiſe to the Spaniſh greatneſs. Perhaps, that prince himſelf did not perceive it, when he propoſed, by his miniſter, a league with James, in conjunction with Venice, the United Provinces, and the northern crowns; in order to attack the Auſtrian dominions on every ſide, and depreſs the exorbitant power of that ambitious family[e]. But the genius of the Engliſh monarch was not equal to ſuch vaſt enterprizes. The love of peace was his ruling paſſion; and it was his peculiar felicity, that the conjunctures of the times rendered the ſame object, which was agreeable to him, in the higheſt degree advantageous to his people.

THE French ambaſſador, therefore, was obliged to depart from theſe extenſive views, and to concert with James the means of providing for the ſafety of the United Provinces: Nor was this object altogether without its difficulties. The king, before his acceſſion, had entertained ſcruples with regard to the revolt of the Low-Countries; and being commonly open and ſincere[f], he had, on many occaſions, gone ſo far as to give to the Dutch the appellation of rebels[g]: But having converſed more fully with Engliſh miniſters and courtiers, he found their attachment to that republic ſo ſtrong, and their opinion of common intereſt ſo eſtabliſhed, that he was obliged to ſacrifice to politics his ſenſe of juſtice; a quality which, even when erroneous, is reſpectable as well as rare in a monarch. He therefore agreed with Roſni to ſupport ſecretly the ſtates-general, in concert with the king of France; leſt their weakneſs and deſpair ſhould oblige them to ſubmit to their old maſter. The articles of the treaty were few and ſimple. It was ſtipulated, that the two kings ſhould allow the Dutch to levy forces in their reſpective dominions; and ſhould under-

[e] Sully's Memoirs.
[f] La Boderie, vol. i. p. 120.
[g] Winwood, vol. ii. p. 55.

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hand remit to that republic the ſum of 1,400,000 livres a year for the pay of theſe forces: That the whole ſum ſhould be advanced by the king of France; but that the third of it ſhould be deducted from the debt due by him to queen Elizabeth. And if the Spaniard attacked either of the princes, they agreed to aſſiſt each other; Henry with a force of ten thouſand men, James with that of ſix. This treaty, one of the wiſeſt and moſt equitable concluded by James, during the courſe of his reign, was more the work of the prince himſelf, than any of his miniſters[h].

Raleigh's conſpiracy.

AMIDST the great tranquillity, both foreign and domeſtic, with which the nation was bleſt, nothing could be more ſurpriſing than the diſcovery of a conſpiracy to ſubvert the government, and to fix on the throne Arabella Stuart, a near relation of the king's by the family of Lenox, and deſcended equally from Henry VII. Every thing remains ſtill myſterious in this conſpiracy; and hiſtory can give us no clue to unravel it. Watſon and Clarke, two catholic prieſts, were accuſed of the plot: Lord Grey, a puritan: Lord Cobham, a thoughtleſs man, of no fixt principle: And Sir Walter Raleigh, ſuſpected to be of that philoſophical ſect, who were then extremely rare in England, and who have ſince received the appellation of *free-thinkers*: Together with theſe, Mr. Broke, brother to lord Cobham, Sir Griffin Markham, Mr. Copeley, Sir Edward Parham. What cement could unite men of ſuch diſcordant principles in ſo dangerous a combination; what end they propoſed, or what means proportioned to an undertaking of this nature, has never yet been explained, and cannot eaſily be imagined. As Raleigh, Grey, and Cobham were commonly believed, after the queen's death, to have oppoſed proclaiming the

[h] Sully's Memoirs.

king,

king, till conditions ſhould be made with him; they were upon that account extremely obnoxious to the court and miniſtry; and people were apt, at firſt, to ſuſpect, that the plot was merely a contrivance of ſecretary Cecil, to get rid of his old confederates, now become his moſt inveterate enemies. But the confeſſion, as well as trial of the criminals, put the matter beyond doubt [i]. And though no one could find any marks of a concerted enterprize, it appeared, that men of furious and ambitious ſpirits, meeting frequently together, and believing all the world diſcontented like themſelves, had entertained very criminal projects, and had even entered, ſome of them at leaſt, into a correſpondence with Aremberg, the Flemiſh ambaſſador, in order to give diſturbance to the new ſettlement. CHAP. XLV. 1603.

THE two prieſts [k] and Broke [l] were executed: Cobham, Grey, and Markham, were pardoned [m], after they had laid their heads upon the block [n]. Raleigh too was reprieved, not pardoned; and he remained in confinement many years afterwards.

IT appears from Sully's Memoirs, that Raleigh ſecretly offered his ſervices to the French ambaſſador; and we may thence preſume, that, meeting with a repulſe from that quarter, he had recourſe, for the ſame unwarrantable purpoſes, to the Flemiſh miniſter. Such a conjecture we are now enabled to form; but it muſt be confeſſed, that, on his trial, there appeared no proof of this tranſaction, nor indeed any circumſtance which could juſtify his condemnation. He was accuſed by Cobham alone, in a ſudden fit of paſſion, upon hearing that Raleigh, when examined, had pointed out ſome circumſtances, by which Cobham's guilt might be known and aſcertained,

[i] State Trials, p. 180. 2d edit. Winwood, vol. ii. p. 8. 11. [k] November 29. [l] December 5. [m] December 9. [n] Winwood, vol. ii. p. 11.

This

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1603. This accuſation Cobham afterwards retracted; and ſoon after he retracted his retractation. Yet upon the written evidence of this ſingle witneſs, a man of no honour or underſtanding, and ſo contradictory in his teſtimony; not confronted with Raleigh; not ſupported by any concurring circumſtance; was that great man, contrary to all law and equity, found guilty by the jury. His name was at that time extremely odious in England; and every man was pleaſed to give ſentence againſt the capital enemy of Eſſex, the favourite of the people.

Sir Edward Coke, the famous lawyer, then attorney-general, managed the cauſe for the crown, and threw out on Raleigh ſuch groſs abuſe, as may be deemed a great reflection, not only on his own memory, but even, in ſome degree, on the manners of the age. Traitor, monſter, viper, and ſpider of hell, are the terms which he employs againſt one of the moſt illuſtrious men of the kingdom, who was under trial for life and fortune, and who defended himſelf with temper, eloquence, and courage [o].

1604. The next occupation of the king was entirely according to his heart's content. He was employed in dictating magiſterially to an aſſembly of divines concerning points of faith and diſcipline, and in receiving the applauſes of theſe holy men for his ſuperior zeal and learning. The religious diſputes between the church and the puritans had induced him to call a conference at Hampton-court, on pretence of finding expedients, which might reconcile both parties.

Though the ſeverities of Elizabeth towards the catholics had much weakened that party, whoſe genius was oppoſite to the prevailing ſpirit of the nation; like ſe-

[o] State Trials, 1ſt edit. p. 176, 177, 182.

verities had had ſo little influence on the puritans, who were encouraged by that ſpirit, that no leſs than ſeven hundred and fifty clergymen of that party ſigned a petition to the king on his acceſſion; and many more ſeemed willing to adhere to it[p]. They all hoped that James, having received his education in Scotland, and having ſometimes profeſſed an attachment to the church eſtabliſhed there, would at leaſt abate the rigour of the laws enacted in ſupport of the ceremonies, and againſt puritans; if he did not ſhow more particular grace and encouragement to that ſect. But the king's diſpoſition had taken ſtrongly a contrary biaſs. The more he knew the puritanical clergy, the leſs favour he bore to them. He had remarked in their Scottiſh brethren a violent turn towards republicaniſm, and a zealous attachment to civil liberty; principles nearly allied to that religious enthuſiaſm, with which they were actuated. He had found, that being moſtly perſons of low birth, and mean education, the ſame lofty pretenſions, which attended them in their familiar addreſſes to their Maker, of whom they believed themſelves the peculiar favourites, induced them to uſe the utmoſt freedoms with their earthly ſovereign. In both capacities, of monarch and of theologian, he had experienced the little complaiſance which they were diſpoſed to ſhow him; whilſt they controuled his commands, diſputed his tenets, and, to his face, before the whole people, cenſured his conduct and behaviour. If he had ſubmitted to the indignity of courting their favour, he treaſured up, on that account, the ſtronger reſentment againſt them, and was determined to make them feel, in their turn, the weight of his authority. Though he had often met with reſiſtance and faction and obſtinacy in the Scottiſh nobility, he retained no ill-will to that order; or rather ſhowed them favour and kindneſs in England,

CHAP. XLV. 1604.

[p] Fuller, book 10. Collier, vol. ii. p. 672.

beyond

CHAP. XLV. 1604.

beyond what reaſon and ſound policy could well juſtify: But the aſcendant, which the preſbyterian clergy had aſſumed over him, was what his monarchical pride could never thoroughly digeſt [q].

He dreaded likewiſe the popularity, which attended this order of men in both kingdoms. As uſeleſs auſterities and ſelf-denial are imagined, in many religions, to render us acceptable to a benevolent Being who created us ſolely for happineſs, James remarked, that the ruſtic ſeverity of theſe clergymen, and of their whole ſect, had given them, in the eyes of the multitude, the appearance of ſanctity and virtue. Strongly inclined himſelf to mirth and wine and ſports of all kinds, he apprehended their cenſure for his manner of life, free and diſengaged. And, being thus averſe, from temper, as well as policy, to the ſect of puritans, he was reſolved, if poſſible, to prevent its farther growth in England.

But it was the character of James's councils, throughout his whole reign, that they were more wiſe and equitable, in their end, than prudent and political in the means. Though juſtly ſenſible, that no part of civil adminiſtration required greater care or a nicer judgment than the conduct of religious parties; he had not perceived, that, in the ſame proportion as this practical knowledge of theology is requiſite, the ſpeculative refinements in it are mean and even dangerous in a monarch. By entering zealouſly into frivolous diſputes, James gave them an air of importance and dignity, which they could not otherwiſe have acquired; and being himſelf enliſted in the quarrel, he could no longer have recourſe to con-

[q] James ventured to ſay in his Baſilicon Doron, publiſhed while he was in Scotland: "I proteſt before the great God, and ſince I am here as upon my Teſtament, it is no place for me to lie in, that ye ſhall never find with any Highland or Borderer Thieves, greater ingratitude and more lies and vile perjuries, than with theſe fanatic ſpirits: And ſuffer not the principal of them to brook your land." *K. James's Works*, p. 161.

tempt

tempt and ridicule, the only proper method of appeaſing it. The church of Engalnd had not yet abandoned the rigid doctrines of grace and predeſtination: The puritans had not yet ſeparated themſelves from the church, nor openly renounced epiſcopacy. Though the ſpirit of the parties was conſiderably different, the only appearing ſubjects of diſpute were concerning the croſs in baptiſm, the ring in marriage, the uſe of the ſurplice, and the bowing at the name of Jeſus. Theſe were the mighty queſtions, which were ſolemnly agitated in the conference at Hampton-court between ſome biſhops and dignified clergymen on the one hand, and ſome leaders of the puritanical party on the other; the king and his miniſters being preſent [r].

CHAP. XLV. 1604.

Conference at Hampton-court.

THE puritans were here ſo unreaſonable as to complain of a partial and unfair management of the diſpute; as if the ſearch after truth were in any degree the object of ſuch conferences, and a candid indifference, ſo rare even among private enquirers in *philoſophical* queſtions, could ever be expected among princes and prelates, in a *theological* controverſy. The king, it muſt be confeſſed, from the beginning of the conference, ſhowed the ſtrongeſt propenſity to the eſtabliſhed church, and frequently inculcated a maxim, which though it has ſome foundation, is to be received with great limitations, NO BISHOP, NO KING. The biſhops, in their turn, were very liberal of their praiſes towards the royal diſputant; and the archbiſhop of Canterbury ſaid, that *undoubtedly his majeſty ſpake by the ſpecial aſſiſtance of God's ſpirit* [s]. A few alterations in the liturgy were agreed to, and both parties ſeparated with mutual diſſatisfaction.

4th Jan.

IT had frequently been the practice of the puritans to form certain aſſemblies, which they called *propheſyings*;

[r] Fuller's Eccleſiaſt. Hiſtory. [s] Kennet, p. 665.

where

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where alternately, as moved by the ſpirit, they diſplayed their zeal in prayers and exhortations, and raiſed their own enthuſiaſm, as well as that of their audience, to the higheſt pitch, from that ſocial contagion, which has ſo mighty an influence on holy fervours, and from the mutual emulation, which aroſe in thoſe trials of religious eloquence. Such dangerous ſocieties had been ſuppreſſed by Elizabeth; and the miniſters in this conference moved the king for their revival. But James ſharply replied, *If you aim at a* Scottiſh *preſbytery, it agrees as well with monarchy as God and the devil. There* Jack *and* Tom *and* Will *and* Dick *ſhall meet and cenſure me and my council. Therefore I reiterate my former ſpeech:* Le Roi s'aviſera. *Stay, I pray, for one ſeven years before you demand; and then, if you find me grow purſie and fat, I may perchance hearken unto you. For that government will keep me in breath, and give me work enough*[t]. Such were the political conſiderations, which determined the king in his choice among religious parties.

A parliament.

THE next aſſembly, in which James diſplayed his learning and eloquence, was one that ſhowed more ſpirit of liberty than appeared among his biſhops and theologians.

19th March.

The parliament was now ready to aſſemble; being ſo long delayed on account of the plague, which had broken out in London, and raged to ſuch a degree, that above 30,000 perſons are computed to have died of it in a year; though the city contained at that time little more than 150,000 inhabitants.

THE ſpeech which the king made on opening the parliament, fully diſplays his character, and proves him to have poſſeſſed more knowledge and better parts, than prudence or any juſt ſenſe of decorum and propriety[u].

[t] Fuller's Eccleſiaſt. Hiſtory. [u] K. James's Works, p. 484, 485, &c. Journ. 22d March, 1603. Kennet, p. 668.

Though

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Though few productions of the age ſurpaſs this performance either in ſtyle or matter; it wants that majeſtic brevity and reſerve, which becomes a king in his addreſſes to the great council of the nation. It contains, however, a remarkable ſtroke of candor, where he confeſſes his too great facility in yielding to the ſolicitations of ſuitors[x]: A fault, which he promiſes to correct, but which adhered to him, and diſtreſſed him, during the whole courſe of his reign.

The firſt buſineſs, in which the commons were engaged, was of the utmoſt importance to the preſervation of their privileges; and neither temper nor reſolution were wanting in their conduct of it.

In former periods of the Engliſh government, the houſe of commons was of ſo ſmall weight in the balance of the conſtitution, that little attention had been given, either by the crown, the people, or the houſe itſelf, to the choice and continuance of the members. It had been uſual, after parliaments were prolonged beyond one ſeſſion, for the chancellor to exert a diſcretionary authority of iſſuing new writs to ſupply the place of any members, whom he judged incapable of attending, either on account of their employment, their ſickneſs, or other impediment. This practice gave that miniſter, and conſequently the prince, an unlimited power of modeling at pleaſure the repreſentatives of the nation; yet ſo little jealouſy had it created, that the commons, of themſelves, without any court influence or intrigue, and contrary to ſome former votes of their own, confirmed it in the twenty-third of Elizabeth[y]. At that time, though ſome members, whoſe places had been ſupplied on account of ſickneſs, having now recovered their health, appeared in the houſe, and claimed their ſeat; ſuch was the authority of the chancellor, that, merely out of reſpect to him,

[x] K. James's Works, p. 495. 499.

[y] Journ. January 19, 1580.

his

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his ſentence was adhered to, and the new members were continued in their places. Here a moſt dangerous prerogative was conferred on the crown: But to ſhow the genius of that age, or rather the channels in which power then ran, the crown put very little value on this authority; inſomuch that two days afterwards, the chancellor, of himſelf, reſigned it back to the commons, and gave them power to judge of a particular vacancy in their houſe. And when the queſtion, concerning the chancellor's new writs, was again brought on the carpet towards the end of the ſeſſion, the commons were ſo little alarmed at the precedent, that, though they re-admitted ſome old members, whoſe ſeats had been vacated, on account of ſlight indiſpoſitions, yet they confirmed the chancellor's ſentence, in inſtances where the diſtemper appeared to have been dangerous and incurable[z]. Nor did they proceed any farther, in vindication of their privileges, than to vote, *that during the ſitting of parliament, there do not, at any time, any writ go out for chuſing or returning any member without the warrant of the houſe.* In Elizabeth's reign we may remark, and the reigns preceding, ſeſſions of parliament were not uſually the twelfth part ſo long as the vacations; and during the latter, the chancellor's power, if he pleaſed to exert it, was confirmed, at leaſt left, by this vote, as unlimited and unreſtrained as ever.

In a ſubſequent parliament, the abſolute authority of the queen was exerted in a manner ſtill more open; and began for the firſt time to give alarm to the commons. New writs having been iſſued by the chancellor, when there was no vacancy, and a controverſy ariſing upon that incident; the queen ſent a meſſage to the houſe, informing them, that it were impertinent for them to deal in ſuch matters. Theſe queſtions, ſhe ſaid, belonged

[z] Journ. March 18, 1580. See farther D'Ewes, p. 430.

only to the chancellor; and ſhe had appointed him to confer with the judges, in order to ſettle all diſputes with regard to elections. The commons had the courage, a few days after, to vote, "That it was a moſt perilous "precedent, where two knights of a county were duly "elected, if any new writ ſhould iſſue out for a ſecond "election, without order of the houſe itſelf; that the "diſcuſſing and adjudging of this and ſuch like differ-"ences belonged only to the houſe; and that there "ſhould be no meſſage ſent to the lord chancellor, not "ſo much as to enquire what he had done in the matter, "becauſe it was conceived to be a matter derogatory to "the power and privilege of the houſe [a]." This is the moſt conſiderable, and almoſt only inſtance, of parliamentary liberty, which occurs during the reign of that princeſs. CHAP. XLV. 1604.

OUTLAWS, whether on account of debts or crimes, had been declared by the judges [b] incapable of enjoying a ſeat in the houſe, where they muſt themſelves be law-givers; but this opinion of the judges had been frequently over-ruled. I find, however, in the caſe of Vaughan [c], who was queſtioned for an outlawry, that, having proved all his debts to have been contracted by ſuretiſhip, and to have been, moſt of them, honeſtly compounded, he was allowed, on account of theſe favourable circumſtances, to keep his ſeat: Which plainly ſuppoſes, that, otherwiſe, it would have been vacated, on account of the outlawry [d].

WHEN

[a] D'Ewes, p. 397. [b] 39 H. 6. [c] Journ. Feb. 8, 1580.

[d] In a ſubſequent parliament, that of the 35th of the queen, the commons, after great debate, expreſsly voted, that a perſon outlawed might be elected. D'Ewes, p. 518. But as the matter had been much conteſted, the king might think the vote of the houſe no law, and might eſteem his own deciſion of more weight than theirs. We may alſo ſuppoſe that he was noe acquainted with this vote. Queen Elizabeth, in her ſpeech to her laſt parliament,

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WHEN James ſummoned this parliament, he iſſued a proclamation [e]; in which, among many general advices, which, like a kind tutor, he beſtowed on his people, he ſtrictly enjoins them not to chuſe any outlaw for their repreſentative. And he adds; *If any perſon take upon him the place of knight, citizen, or burgeſs, not being duly elected, according to the laws and ſtatutes in that behalf provided, and according to the purport, effect, and true meaning of this our proclamation, then every perſon ſo offending to be fined or impriſoned for the ſame.* A proclamation here was plainly put on the ſame footing with a law, and that in ſo delicate a point as the right of elections: Moſt alarming circumſtances, had there not been reaſon to believe, that this meaſure, being entered into ſo early in the king's reign, proceeded more from precipitation and miſtake, than from any ſerious deſign of invading the privileges of parliament [f].

SIR Francis Goodwin was choſen member for the county of Bucks; and his return, as uſual, was made into chancery. The chancellor, pronouncing him an outlaw, vacated his ſeat, and iſſued writs for a new election [g]. Sir John Forteſcue was choſen in his place by the county: But the firſt act of the houſe was to reverſe the chancellor's ſentence, and reſtore Sir Francis to his ſeat. At

ment, complained of their admitting outlaws, and repreſents that conduct of the houſe as a great abuſe.

[e] Jan. 11, 1604. Rymer, tom. xvi. p. 561.

[f] The duke of Sully tells us, that it was a maxim of James, that no prince, in the firſt year of his reign, ſhould begin any conſiderable undertaking: A maxim reaſonable in itſelf, and very ſuitable to his cautious, not to ſay timid character. The facility with which he departed from this pretenſion, is another proof that his meaning was innocent. But had the privileges of parliament been at that time exactly aſcertained, or royal power fully limited, could ſuch an imagination ever have been entertained by him, as to think that his proclamations could regulate parliamentary elections?

[g] Winwood, vol. ii. p. 13, 19.

the

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the king's ſuggeſtion, the lords deſired a conference on the ſubject; but were abſolutely refuſed by the commons, as the queſtion entirely regarded their own privileges [h]. The commons, however, agreed to make a remonſtrance to the king by the mouth of their ſpeaker; in which they maintained, that though the returns were by form made into chancery, yet the ſole right of judging with regard to elections belonged to the houſe itſelf, not to the chancellor [i]. James was not ſatisfied, and ordered a conference between the houſe and the judges, whoſe opinion in this caſe was oppoſite to that of the commons. This conference, he ſaid, he commanded as an *abſolute* king [k]; an epithet, we are apt to imagine, not very grateful to Engliſh ears, but one to which they had already been ſomewhat accuſtomed from the mouth of Elizabeth [l]. He added, *That all their privileges were derived from his grant, and hoped they would not turn them againſt him* [m]; a ſentiment which, from her conduct, it is certain, that princeſs had alſo entertained, and which was the reigning principle of her courtiers and miniſters, and the ſpring of all her adminiſtration.

THE commons were in ſome perplexity. Their eyes were now opened, and they ſaw the conſequences of that power which had been aſſumed by the chancellor, and to which their predeceſſors had, in ſome inſtances, blindly ſubmitted. *By this courſe*, ſaid a member, *the free election of the counties is taken away, and none ſhall be choſen but ſuch as ſhall pleaſe the king and council. Let us, therefore, with fortitude, underſtanding, and ſincerity, ſeek to maintain our privilege. This cannot be conſtrued any contempt in us, but merely a maintenance of our common rights, which our anceſtors have left us, and which it is juſt and fit for us*

[h] Journ. 26th March, 1604. [i] Journ. 3d April, 1604. [k] See note [A] at the end of the volume. [l] Camden, in Kennet, p. 375. [m] Journ. 29th March, 5th April, 1604.

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to tranſmit to our poſterity [n]. Another ſaid [o], *This may be called a* quo warranto *to ſeize all our liberties. A chancellor*, added a third, *by this courſe, may call a parliament conſiſting of what perſons he pleaſes. Any ſuggeſtion, by any perſon, may be the cauſe of ſending a new writ. It is come to this plain queſtion, Whether the chancery or parliament ought to have authority* [p]*?*

NOTWITHSTANDING this watchful ſpirit of liberty, which now appeared in the commons, their deference for majeſty was ſo great, that they appointed a committee to confer with the judges before the king and council. There the queſtion of law began to appear, in James's eyes, a little more doubtful than he had hitherto imagined it; and in order to extricate himſelf with ſome honour, he propoſed that both Goodwin and Forteſcue ſhould be ſet aſide, and a writ be iſſued, by warrant of the houſe, for a new election. Goodwin gave his conſent, and the commons embraced the expedient; but in ſuch a manner, that, while they ſhowed their regard for the king, they ſecured for the future the free poſſeſſion of their ſeats, and the right which they claimed, of judging ſolely in their own elections and returns [q].

A POWER like this, ſo eſſential to the exerciſe of all their other powers, themſelves ſo eſſential to public liberty, cannot fairly be deemed an encroachment in the commons; but muſt be regarded as an inherent privilege, happily reſcued from that ambiguity which the negligence of ſome former parliaments had thrown upon it.

AT the ſame time the commons, in the caſe of Sir Thomas Shirley, eſtabliſhed their power of puniſhing, as well the perſons at whoſe ſuit any member is arreſted, as the officers who either arreſt or detain him. Their aſſerting of this privilege admits of the ſame reflection [r].

[n] Journ. 30th March, 1604. [o] Id. ibid. [p] Id. ibid. [q] See note [B] at the end of the volume. [r] Journ. 6th and 7th May, 1604.

ABOUT

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ABOUT this period, the minds of men throughout Europe, eſpecially in England, ſeem to have undergone a general, but inſenſible revolution. Though letters had been revived in the preceding age, they were chiefly cultivated by thoſe of ſedentary profeſſions; nor had they, till now, begun to ſpread themſelves, in any degree, among men of the world. Arts, both mechanical and liberal, were every day receiving great improvements. Navigation had extended itſelf over the whole globe. Travelling was ſecure and agreeable. And the general ſyſtem of politics in Europe was become more enlarged and comprehenſive.

IN conſequence of this univerſal fermentation, the ideas of men enlarged themſelves on all ſides; and the ſeveral conſtituent parts of the Gothic governments, which ſeem to have lain long unactive, began, every where, to operate and encroach on each other. On the continent, where the neceſſity of diſcipline had begotten ſtanding armies, the princes commonly eſtabliſhed an unlimited authority, and overpowered, by force or intrigue, the liberties of the people. In England, the love of freedom, which, unleſs checked, flouriſhes extremely in all liberal natures, acquired new force, and was regulated by more enlarged views, ſuitably to that cultivated underſtanding, which became, every day, more common among men of birth and education. A familiar acquaintance with the precious remains of antiquity excited, in every generous breaſt, a paſſion for a limited conſtitution, and begat an emulation of thoſe manly virtues, which the Greek and Roman authors, by ſuch animating examples, as well as pathetic expreſſions, recommend to us. The ſevere, though popular government of Elizabeth, had confined this riſing ſpirit within very narrow bounds: But when a new and a foreign family ſucceeded to the throne, and a prince leſs dreaded and leſs beloved, ſymptoms

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immediately appeared of a more free and independent genius in the nation.

1604. HAPPILY this prince poſſeſſed neither ſufficient capacity to perceive the alteration, nor ſufficient art and vigour to check it in its early advances. Jealous of regal, becauſe conſcious of little perſonal authority, he had eſtabliſhed within his own mind a ſpeculative ſyſtem of abſolute government, which few of his ſubjects, he believed, and none but traitors and rebels, would make any ſcruple to admit. On whichever ſide he caſt his eye, every thing concurred to encourage his prejudices. When he compared himſelf with the other hereditary ſovereigns of Europe, he imagined, that as he bore the ſame rank, he was entitled to equal prerogatives; not conſidering the innovations lately introduced by them, and the military force, by which their authority was ſupported. In England, that power, almoſt unlimited, which had been exerciſed for above a century, eſpecially during the late reign, he aſcribed ſolely to royal birth and title; not to the prudence and ſpirit of the monarchs, nor to the conjunctures of the times. Even the oppoſition which he had ſtruggled with in Scotland encouraged him ſtill farther in his favourite notions; while he there ſaw, that the ſame reſiſtance which oppoſed regal authority, violated all law and order, and made way either for the ravages of a barbarous nobility, or for the more intolerable inſolence of ſeditious preachers. In his own perſon, therefore, he thought all legal power to be centered, by an hereditary and a divine right: And this opinion might have proved dangerous, if not fatal, to liberty, had not the firmneſs of the perſuaſion, and its ſeeming evidence, induced him to truſt ſolely to his right, without making the ſmalleſt proviſion, either of force or politics, in order to ſupport it.

SUCH

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SUCH were the oppoſite diſpoſitions of parliament and prince, at the commencement of the Scottiſh line; diſpoſitions juſt beginning to exiſt and to appear in the parliament [s], but thoroughly eſtabliſhed and openly avowed on the part of the prince.

THE ſpirit and judgment of the houſe of commons appeared, not only in defence of their own privileges, but alſo in their endeavour, though, at this time, in vain, to free trade from thoſe ſhackles, which the high exerted prerogative, and even, in this reſpect, the ill-judged tyranny of Elizabeth, had impoſed upon it.

JAMES had already, of his own accord, called in and annulled all the numerous patents for monopolies which had been granted by his predeceſſor, and which extremely fettered every ſpecies of domeſtic induſtry: But the excluſive companies ſtill remained; another ſpecies of monopoly, by which almoſt all foreign trade, except that to France, was brought into the hands of a few rapacious engroſſers, and all proſpect of future improvement in commerce was for ever ſacrificed to a little temporary advantage of the ſovereign. Theſe companies, though arbitrarily elected, had carried their privileges ſo far, that almoſt all the commerce of England was centered in London; and it appears, that the cuſtoms of that port amounted to 110,000l. a-year, while thoſe of all the kingdom beſide yielded only ſeventeen thouſand [t]. Nay, the whole trade of London was confined to about 200 citizens [u], who were eaſily enabled, by combining among themſelves, to fix whatever price they pleaſed both to the exports and imports of the nation. The committee appointed to examine this enormous grievance, one of the greateſt which we read of in Engliſh ſtory, inſiſt on it as a fact well known and avowed, however contrary to preſent received

[s] See note [C] at the end of the volume.
[t] Journ. 21 May, 1604.
[u] Id. ibid.

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opinion, that ſhipping and ſeamen had ſenſibly decayed during all the preceding reign [w]. And though nothing be more common than complaints of the decay of trade even during the moſt flouriſhing periods; yet is this a conſequence which might naturally reſult from ſuch arbitrary eſtabliſhments, at a time when the commerce of all the other nations of Europe, except that of Scotland, enjoyed full liberty and indulgence.

WHILE the commons were thus attempting to give liberty to the trading part of the nation, they alſo endeavoured to free the landed property from the burthen of wardſhips [x], and to remove thoſe remains of the feudal tenures, under which the nation ſtill laboured. A juſt regard was ſhewn to the crown in the conduct of this affair; nor was the remedy, ſought for, conſidered as a matter of right, but merely of grace and favour. The profit which the king reaped, both from wards and from reſpite of homage, was eſtimated; and it was intended to compound for theſe prerogatives by a ſecure and independent revenue. But after ſome debates in the houſe, and ſome conferences with the lords, the affair was found to contain more difficulties than could eaſily, at that time, be ſurmounted; and it was not then brought to any concluſion.

THE ſame fate attended an attempt of a like nature, to free the nation from the burthen of purveyance. This prerogative had been much abuſed by the purveyors [y]; and the commons ſhewed ſome intention to offer the king fifty thouſand pounds a-year for the abolition of it.

ANOTHER affair of the utmoſt conſequence was brought before the parliament, where the commons ſhewed a

[w] A remonſtrance from the Trinity-houſe, in 1602, ſays, that in a little above twelve years, after 1588, the ſhipping and number of ſeamen in England decayed about a third. Angleſey's happy future ſtate of England, p. 128, from Sir Julius Cæſar's Collections. See Journ. 21 May, 1604.

[x] Journ. 1 June, 1604. [y] Journ. 30 April, 1604.

greater

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greater ſpirit of independence than any true judgment of national intereſt. The union of the two kingdoms was zealouſly, and even impatiently urged by the king [z]. He juſtly regarded it as the peculiar felicity of his reign, that he had terminated the bloody animoſities of theſe hoſtile nations, and had reduced the whole iſland under one government; enjoying tranquillity within itſelf, and ſecurity from all foreign invaſions. He hoped, that, while his ſubjects of both kingdoms reflected on paſt diſaſters, beſides regarding his perſon as infinitely precious, they would entertain the ſtrongeſt deſire of ſecuring themſelves againſt the return of like calamities, by a thorough union of laws, parliaments, and privileges. He conſidered not, that this very reflection operated, as yet, in a contrary manner, on men's prejudices, and kept alive that mutual hatred between the nations, which had been carried to the greateſt extremities, and required time to allay it. The more urgent the king appeared in promoting ſo uſeful a meaſure, the more backward was the Engliſh parliament in concurring with him; while they aſcribed his exceſſive zeal, to that partiality, in favour of his ancient ſubjects, of which they thought, that, on other occaſions, they had reaſon to complain. Their complaiſance for the king, therefore, carried them no farther than to appoint forty-four Engliſh to meet with thirty-one Scottiſh commiſſioners, in order to deliberate concerning the terms of a union; but without any power of making advances towards the eſtabliſhment of it [a].

THE ſame ſpirit of independence, and perhaps not better judgment, appeared in the houſe of commons, when the queſtion of ſupply was brought before them, by ſome members, attached to the court. In vain was it urged, that, though the king received a ſupply, which

[z] Journ. 21 April, 1 May, 1604. Parliamentary Hiſtory, vol. v. p. 91.
[a] Journ. 7 June, 1604. Kennet, p. 673.

had

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had been voted to Elizabeth, and which had not been collected before her death; yet he found it burthened with a debt contracted by the queen, equal to the full amount of it: That peace was not yet thoroughly concluded with Spain, and that Ireland was ſtill expenſive to him: That on his journey from Scotland amidſt ſuch a concourſe of people, and on that of the queen and royal family, he had expended conſiderable ſums: And that as the courtiers had looked for greater liberalities from the prince on his acceſſion, and had impoſed on his generous nature; ſo the prince, in his turn, would expect, at the beginning, ſome mark of duty and attachment from his people, and ſome conſideration of his neceſſities. No impreſſion was made on the houſe of commons by theſe topics; and the majority appeared fully determined to refuſe all ſupply. The burthen of government, at that time, lay ſurpriſingly light upon the people: And that very reaſon, which to us, at this diſtance, may ſeem a motive of generoſity, was the real cauſe why the parliament was, on all occaſions, ſo remarkably frugal and reſerved. They were not, as yet, accuſtomed to open their purſes in ſo liberal a manner as their ſucceſſors, in order to ſupply the wants of their ſovereign; and the ſmalleſt demand, however requiſite, appeared in their eyes unreaſonable and exorbitant. The commons ſeem alſo to have been deſirous of reducing the crown to ſtill farther neceſſities, by their refuſing a bill, ſent down to them by the lords, for entailing the crown lands for ever on the king's heirs and ſucceſſors [b]. The diſſipation, made by Elizabeth, had probably taught James the neceſſity of this law, and ſhewn them the advantage of refuſing it.

In order to cover a diſappointment with regard to ſupply, which might bear a bad conſtruction, both at home and

[b] Parliamentary Hiſt. vol. v. p. 108.

abroad,

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abroad, James ſent a meſſage to the houſe [c], in which he told them, that he deſired no ſupply; and he was very forward in refuſing what was never offered him. Soon after, he prorogued the parliament, not without diſcovering, in his ſpeech, viſible marks of diſſatisfaction. Even ſo early in his reign, he ſaw reaſon to make public complaints of the reſtleſs and encroaching ſpirit of the puritanical party, and of the malevolence with which they endeavoured to inſpire the commons. Nor were his complaints without foundation, or the puritans without intereſt; ſince the commons, now finding themſelves free from the arbitrary government of Elizabeth, made application for a conference with the lords, and preſented a petition to the king; the purport of both which was to procure, in favour of the puritans, a relaxation of the eccleſiaſtical laws [d]. The uſe of the ſurplice, and of the croſs in baptiſm, is there chiefly complained of; but the remedy ſeems to have been expected ſolely from the king's diſpenſing power [e]. In the papers which contain this application and petition, we may alſo ſee proofs of the violent animoſity of the commons againſt the catholics, together with the intolerating ſpirit of that aſſembly [f].

1604. 7th July.

THIS ſummer the peace with Spain was finally concluded, and was ſigned by the Spaniſh miniſters at London [g]. In the conferences, previous to this treaty, the nations were found to have ſo few claims on each other, that, except on account of the ſupport given by England to the Low Country provinces, the war might appear to have been continued more on account of perſonal animoſity between Philip and Elizabeth, than any contrariety of political intereſts between their ſubjects. Some articles in the treaty, which ſeemed prejudicial to the Dutch com-

Peace with Spain. 18th Aug.

[c] Journ. 26 June, 1604. [d] La Boderie, the French ambaſſador, ſays, that the houſe of commons was compoſed moſtly of puritans, vol. i. p. 81. [e] Parliamentary Hiſtory, vol. v. p. 98, 99, 100. [f] See note [D] at the end of the volume. [g] Rymer, tom. xvi. p. 585, &c.

monwealth,

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monwealth, were never executed by the king; and as the Spaniards made no complaints on that head, it appeared that, by ſecret agreement, the king had expreſsly reſerved the power of ſending aſſiſtance to the Hollanders [h]. The conſtable of Caſtile came into England to ratify the peace; and, on the part of England, the earl of Hertford was ſent into the Low Countries for the ſame purpoſe, and the earl of Nottingham, high admiral, into Spain. The train of the latter was numerous and ſplendid; and the Spaniards, it is ſaid, were extremely ſurpriſed, when they beheld the blooming countenances and graceful appearance of the Engliſh, whom their bigotry, inflamed by the prieſts, had repreſented as ſo many monſters and infernal dæmons.

THOUGH England, by means of her naval force, was perfectly ſecure, during the latter years of the Spaniſh war, James ſhewed an impatience to put an end to hoſtilities; and ſoon after his acceſſion, before any terms of peace were concerted, or even propoſed, by Spain, he recalled all the letters of marque [i], which had been granted by queen Elizabeth. Archduke Albert had made ſome advances of a like nature [k], which invited the king to take this friendly ſtep. But what is remarkable; in James's proclamation for that purpoſe, he plainly ſuppoſes, that, as he had himſelf, while king of Scotland, always lived in amity with Spain, peace was attached to his perſon, and that merely by his acceſſion to the crown of England, without any articles of treaty or agreement, he had ended the war between the kingdoms [l]. This ignorance of the law of nations may appear ſurpriſing in

[h] Winwood, vol. ii. p. 27. 330, *et alibi*. In this reſpect James's peace was more honourable than that which Henry IV. himſelf made with Spain. This latter prince ſtipulated not to aſſiſt the Dutch; and the ſupplies, which he ſecretly ſent them, were in direct contravention to the treaty. [i] 23d of June, 1603. [k] Grotii Annal. lib. 12. [l] See proclamations during the firſt ſeven years of K. James. Winwood, vol. ii. p. 65.

a prince,

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a prince, who was thirty-ſix years of age, and who had reigned from his infancy; did we not conſider, that a king of Scotland, who lives in cloſe friendſhip with England, has few tranſactions to manage with foreign princes, and has little opportunity of acquiring experience. Unhappily for James, his timidity, his prejudices, his indolence, his love of amuſement, particularly of hunting, to which he was much addicted, ever prevented him from making any progreſs in the knowledge or practice of foreign politics, and in a little time diminiſhed that regard which all the neighbouring nations had paid to England during the reign of his predeceſſor [m].

[m] Memoires de la Boderie, vol. i. p. 64. 181. 195. 217. 302. vol. ii. p. 244. 278.

CHAP. XLVI.

Gunpowder conſpiracy——A parliament——Truce betwixt Spain and the United Provinces——A parliament——Death of the French king——Arminianiſm——State of Ireland.

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1604.

WE are now to relate an event, one of the moſt memorable that hiſtory has conveyed to poſterity, and containing at once a ſingular proof both of the ſtrength and weakneſs of the human mind; its wideſt departure from morals, and moſt ſteady attachment to religious prejudices. 'Tis the *Gunpowder treaſon* of which I ſpeak; a fact as certain as it appears incredible.

Gunpowder conſpiracy.

THE Roman catholics had expected great favour and indulgence on the acceſſion of James, both as he was deſcended from Mary, whoſe life they believed to have been ſacrificed to their cauſe, and as he himſelf, in his early youth, was imagined to have ſhown ſome partiality towards them, which nothing, they thought, but intereſt and neceſſity had ſince reſtrained. It is pretended, that he had even entered into poſitive engagements to tolerate their religion, as ſoon as he ſhould mount the throne of England; whether their credulity had interpreted in this ſenſe ſome obliging expreſſions of the king's, or that he had employed ſuch an artifice, in order to render them favourable to his title[n]. Very ſoon they diſcovered their miſtake; and were at once ſurpriſed and enraged to find James, on all occaſions, expreſs his intention of ſtrictly executing the laws enacted againſt them, and of perſevering in all the rigorous meaſures of Elizabeth. Cateſby, a gentleman of good parts and of an ancient

[n] State Trials, vol. ii. p. 201, 202, 203. Winwood, vol. ii. p. 49.

family,

family, firſt thought of a moſt extraordinary method of revenge; and he opened his intention to Piercy, a deſcendent of the illuſtrious houſe of Northumberland. In one of their converſations with regard to the diſtreſſed condition of the catholics, Piercy having broken into a ſally of paſſion, and mentioned aſſaſſinating the king; Cateſby took the opportunity of revealing to him a nobler and more extenſive plan of treaſon, which not only included a ſure execution of vengeance, but afforded ſome hopes of reſtoring the catholic religion in England. In vain, ſaid he, would you put an end to the king's life: He has children, who would ſucceed both to his crown and to his maxims of government. In vain would you extinguiſh the whole royal family: The nobility, the gentry, the parliament, are all infected with the ſame hereſy, and could raiſe to the throne another prince and another family, who, beſides their hatred to our religion, would be animated with revenge for the tragical death of their predeceſſors. To ſerve any good purpoſe, we muſt deſtroy, at one blow, the king, the royal family, the lords, the commons; and bury all our enemies in one common ruin. Happily, they are all aſſembled on the firſt meeting of the parliament; and afford us the opportunity of glorious and uſeful vengeance. Great preparations will not be requiſite. A few of us, combining, may run a mine below the hall, in which they meet; and chooſing the very moment when the king harangues both houſes, conſign over to deſtruction theſe determined foes to all piety and religion. Meanwhile, we ourſelves ſtanding aloof, ſafe and unſuſpected, ſhall triumph in being the inſtruments of divine wrath, and ſhall behold with pleaſure thoſe ſacrilegious walls, in which were paſſed the edicts for proſcribing our church and butchering her children, toſſed into a thouſand fragments; while their impious inhabitants, meditating, perhaps, ſtill new perſecutions againſt us, paſs from flames above

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above to flames below, there for ever to endure the torments due to their offences [o].

PIERCY was charmed with this project of Cateſby; and they agreed to communicate the matter to a few more, and among the reſt to Thomas Winter, whom they ſent over to Flanders, in queſt of Fawkes, an officer in the Spaniſh ſervice, with whoſe zeal and courage they were all thoroughly acquainted. When they inliſted any new conſpirator, in order to bind him to ſecreſy, they always, together with an oath, employed the Communion, the moſt ſacred rite of their religion [p]. And it is remarkable, that no one of theſe pious devotees ever entertained the leaſt compunction with regard to the cruel maſſacre, which they projected, of whatever was great and eminent in the nation. Some of them only were ſtartled by the reflection, that of neceſſity many catholics muſt be preſent; as ſpectators or attendants on the king, or as having ſeats in the houſe of peers: But Teſmond, a jeſuit, and Garnet, ſuperior of that order in England, removed theſe ſcruples, and ſhewed them how the intereſts of religion required, that the innocent ſhould here be ſacrificed with the guilty.

ALL this paſſed in the ſpring and ſummer of the year 1604; when the conſpirators alſo hired a houſe in Piercy's name, adjoining to that in which the parliament was to aſſemble. Towards the end of that year they began their operations. That they might be leſs interrupted, and give leſs ſuſpicion to the neighbourhood, they carried in ſtore of proviſions with them, and never deſiſted from their labour. Obſtinate in their purpoſe, and confirmed by paſſion, by principle, and by mutual exhortation, they little feared death in compariſon of a diſappointment; and having provided arms, together with the inſtruments of their labour, they reſolved there to periſh in caſe of a

[o] Hiſtory of the Gunpowder Treaſon.

[p] State Trials, vol. i. p. 190. 198. 210.

diſcovery.

discovery. Their perseverance advanced the work; and they soon pierced the wall, though three yards in thickness; but on approaching the other side, they were somewhat startled at hearing a noise, which they knew not how to account for. Upon enquiry, they found, that it came from the vault below the house of lords; that a magazine of coals had been kept there; and that, as the coals were selling off, the vault would be let to the highest bidder. The opportunity was immediately seized; the place hired by Piercy; thirty-six barrels of powder lodged in it; the whole covered up with faggots and billets; the doors of the cellar boldly flung open; and every body admitted, as if it contained nothing dangerous. 1605.

Confident of success, they now began to look forward, and to plan the remaining part of their project. The king, the queen, prince Henry, were all expected to be present at the opening of parliament. The duke, by reason of his tender age, would be absent; and it was resolved, that Piercy should seize him, or assassinate him. The princess Elizabeth, a child likewise, was kept at lord Harrington's house at Warwickshire; and Sir Everard Digby, Rookwood, Grant, being let into the conspiracy, engaged to assemble their friends on pretence of a hunting match, and seizing that princess, immediately to proclaim her queen. So transported were they with rage against their adversaries, and so charmed with the prospect of revenge, that they forgot all care of their own safety; and trusting to the general confusion, which must result from so unexpected a blow, they foresaw not, that the fury of the people, now unrestrained by any authority, must have turned against them, and would probably have satiated itself, by an universal massacre of the catholics.

The day, so long wished for, now approached, on which the parliament was appointed to assemble. The

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dreadful ſecret, though communicated to above twenty perſons, had been religiouſly kept, during the ſpace of near a year and a half. No remorſe, no pity, no fear of puniſhment, no hope of reward, had, as yet, induced any one conſpirator, either to abandon the enterprize, or make a diſcovery of it. The holy fury had extinguiſhed in their breaſt every other motive; and it was an indiſcretion at laſt, proceeding chiefly from theſe very bigoted prejudices and partialities, which ſaved the nation.

TEN days before the meeting of parliament, lord Monteagle, a catholic, ſon to lord Morley, received the following letter, which had been delivered to his ſervant by an unknown hand. *My Lord, Out of the love I bear to ſome of your friends, I have a care of your preſervation. Therefore I would adviſe you, as you tender your life, to deviſe ſome excuſe to ſhift off your attendance at this parliament. For God and man have concurred to puniſh the wickedneſs of this time. And think not ſlightly of this advertiſement; but retire yourſelf into your country, where you may expect the event in ſafety. For, though there be no appearance of any ſtir, yet, I ſay, they will receive a terrible blow this parliament, and yet they ſhall not ſee who hurts them. This counſel is not to be contemned, becauſe it may do you good, and can do you no harm: For the danger is paſt, as ſoon as you have burned the letter. And I hope God will give you the grace to make good uſe of it, unto whoſe holy protection I commend you* [q].

MONTEAGLE knew not what to make of this letter; and though inclined to think it a fooliſh attempt to frighten and ridicule him, he judged it ſafeſt to carry it to lord Saliſbury, ſecretary of ſtate. Though Saliſbury too was inclined to pay little attention to it, he thought proper to lay it before the king, who came to town a few days after. To the king it appeared not ſo light a mat-

[q] K. James's Works, p. 227.

ter;

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ter; and from the ſerious earneſt ſtyle of the letter, he conjectured, that it implied ſomething dangerous and important. A *terrible blow*, and yet *the authors concealed*; a danger ſo *ſudden*, and yet ſo *great*; theſe circumſtances ſeemed all to denote ſome contrivance by gunpowder; and it was thought adviſable to inſpect all the vaults below the houſes of parliament. This care belonged to the earl of Suffolk, lord chamberlain; who purpoſely delayed the ſearch, till the day before the meeting of parliament. He remarked thoſe great piles of wood and faggots, which lay in the vault under the upper houſe; and he caſt his eye upon Fawkes, who ſtood in a dark corner, and paſſed himſelf for Piercy's ſervant. That daring and determined courage, which ſo much diſtinguiſhed this conſpirator, even among thoſe heroes in villany, was fully painted in his countenance, and was not paſſed unnoticed by the chamberlain[r]. Such a quantity alſo of fuel, for the uſe of one who lived ſo little in town as Piercy, appeared a little extraordinary[s]; and upon comparing all circumſtances, it was reſolved that a more thorough inſpection ſhould be made. About midnight, Sir Thomas Knevet, a juſtice of peace, was ſent with proper attendants; and before the door of the vault, finding Fawkes, who had juſt finiſhed all his preparations, he immediately ſeized him, and turning over the faggots, diſcovered the powder. The matches and every thing proper for ſetting fire to the train were taken in Fawkes's pocket; who finding his guilt now apparent, and ſeeing no refuge but in boldneſs and deſpair, expreſſed the utmoſt regret, that he had loſt the opportunity of firing the powder at once, and of ſweetening his own death by that of his enemies[t]. Before the council, he diſplayed the ſame intrepid firmneſs, mixed even with

[r] K. James's Works, p. 229.
[s] Id. Ibid.
[t] Ibid. p. 230.

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ſcorn and diſdain; refuſing to diſcover his accomplices, and ſhewing no concern but for the failure of the enterprize[u]. This obſtinacy laſted two or three days: But being confined to the Tower, left to reflect on his guilt and danger, and the rack being juſt ſhown to him; his courage, fatigued with ſo long an effort, and unſupported by hope or ſociety, at laſt failed him; and he made a full diſcovery of all the conſpirators[x].

CATESBY, Piercy, and the other criminals, who were in London, though they had heard of the alarm taken at a letter ſent to Monteagle; though they had heard of the chamberlain's ſearch; yet were reſolved to perſiſt to the utmoſt, and never abandon their hopes of ſucceſs[y]. But at laſt, hearing that Fawkes was arreſted, they hurried down to Warwickſhire; where Sir Everard Digby, thinking himſelf aſſured that ſucceſs had attended his confederates, was already in arms, in order to ſeize the princeſs Elizabeth. She had eſcaped into Coventry; and they were obliged to put themſelves on their defence againſt the country, who were raiſed from all quarters, and armed, by the ſheriff. The conſpirators, with all their attendants, never exceeded the number of eighty perſons; and being ſurrounded on every ſide, could no longer entertain hopes, either of prevailing or eſcaping. Having therefore confeſſed themſelves, and received abſolution, they boldly prepared for death, and reſolved to ſell their lives as dear as poſſible to the aſſailants. But even this miſerable conſolation was denied them. Some of their powder took fire, and diſabled them for defence[z]. The people ruſhed in upon them. Piercy and Cateſby were killed by one ſhot. Digby, Rookwood, Winter, and others, being taken priſoners, were tried, confeſſed

[u] Winwood, vol. ii. p. 173.
[x] K. James's Works, p. 231.
[y] See note [E] at the end of the volume. Diſcourſe of the manner, &c. p. 69, 70.
[z] State Trials, vol. i. p. 199.

their

their guilt, and died, as well as Garnet, by the hands of the executioner. Notwithſtanding this horrid crime, the bigoted catholics were ſo devoted to Garnet, that they fancied miracles to be wrought by his blood[a]; and in Spain he was regarded as a martyr[b]. CHAP. XLVI. 1605.

NEITHER had the deſperate fortune of the conſpirators urged them to this enterprize, nor had the former profligacy of their lives prepared them for ſo great a crime. Before that audacious attempt, their conduct ſeems, in general, to be liable to no reproach. Cateſby's character had entitled him to ſuch regard, that Rookwood and Digby were ſeduced by their implicit truſt in his judgment; and they declared, that, from the motive alone of friendſhip to him, they were ready, on any occaſion, to have ſacrificed their lives[c]. Digby himſelf was as highly eſteemed and beloved as any man in England; and he had been particularly honoured with the good opinion of queen Elizabeth[d]. It was bigoted zeal alone, the moſt abſurd of prejudices maſqued with reaſon, the moſt criminal of paſſions covered with the appearance of duty, which ſeduced them into meaſures, that were fatal to themſelves, and had ſo nearly proved fatal to their country[e].

THE lords Mordaunt and Stourton, two catholics, were fined, the former 10,000 pounds, the latter 4000, by the ſtar-chamber; becauſe their abſence from parliament had begotten a ſuſpicion of their being acquainted with the conſpiracy. The earl of Northumberland was fined 30,000 pounds, and detained ſeveral

[a] Winwood, vol. ii. p. 300. [b] Id. ibid. [c] State Trials, vol. i. p. 201. [d] Athen. Ox. vol. ii. fol. 254.

[e] Digby, after his condemnation, ſaid in a letter to his wife: "Now for "my intention, let me tell you, that if I had thought there had been the "leaſt ſin in the plot, I would not have been of it for all the world; and no "other cauſe drew me, to hazard my fortune and life, but zeal to God's "religion." He expreſſes his ſurprize to hear that any catholics had condemned it. *Digby's papers, publiſhed by ſecretary Coventry.*

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years priſoner in the Tower; becauſe, not to mention other grounds of ſuſpicion, he had admitted Piercy into the number of gentlemen penſioners, without his taking the requiſite oaths [f].

THE king, in his ſpeech to the parliament, obſerved, that, though religion had engaged the conſpirators in ſo criminal an attempt, yet ought we not to involve all the Roman catholics in the ſame guilt, or ſuppoſe them equally diſpoſed to commit ſuch enormous barbarities. Many holy men, he ſaid, and our anceſtors among the reſt, had been ſeduced to concur with that church in her ſcholaſtic doctrines; who yet had never admitted her ſeditious principles, concerning the pope's power of dethroning kings, or ſanctifying aſſaſſination. The wrath of Heaven is denounced againſt crimes, but innocent error may obtain its favour; and nothing can be more hateful than the uncharitableneſs of the puritans, who condemn alike to eternal torments, even the moſt inoffenſive partizans of popery. For his part, he added, that conſpiracy, however atrocious, ſhould never alter, in the leaſt, his plan of government: While with one hand he puniſhed guilt; with the other he would ſtill ſupport and protect innocence [g]. After this ſpeech, he prorogued the parliament till the 22d of January [h].

THE moderation, and, I may ſay, magnanimity, of the king, immediately after ſo narrow an eſcape from a moſt deteſtable conſpiracy, was no wiſe agreeable to his ſubjects. Their animoſity againſt popery, even before this provocation, had riſen to a great pitch; and it had perhaps been more prudent in James, by a little diſſimu-

[f] Camden in Kennet, p. 692. [g] K. James's Works, p. 503, 504.

[h] The Parliament, this ſeſſion, paſſed an act obliging every one to take the oath of allegiance: A very moderate teſt, ſince it decided no controverted points between the two religions, and only engaged the perſons who took it to abjure the pope's power of dethroning kings. See K. James's Works, p. 250.

lation,

lation, to have conformed himſelf to it. His theological learning, confirmed by diſputation, had happily fixed his judgment in the proteſtant faith; yet was his heart a little biaſſed by the allurements of Rome, and he had been well pleaſed, if the making of ſome advances could have effected an union with that ancient mother-church. He ſtrove to abate the acrimony of his own ſubjects againſt the religion of their fathers: He became himſelf the object of their diffidence and averſion. Whatever meaſures he embraced; in Scotland to introduce prelacy, in England to enforce the authority of the eſtabliſhed church, and ſupport its rites and ceremonies, were interpreted as ſo many ſteps towards popery; and were repreſented by the puritans as ſymptoms of idolatry and ſuperſtition. Ignorant of the conſequences, or unwilling to ſacrifice to politics his inclination, which he called his conſcience, he perſevered in the ſame meaſures, and gave truſt and preferment, almoſt indifferently, to his catholic and proteſtant ſubjects. And finding his perſon, as well as his title, leſs obnoxious to the church of Rome, than thoſe of Elizabeth, he gradually abated the rigour of thoſe laws, which had been enacted againſt that church, and which were ſo acceptable to his bigoted ſubjects. But the effects of theſe diſpoſitions on both ſides became not very ſenſible, till towards the concluſion of his reign.

CHAP. XLVI. 1606.

At this time, James ſeems to have poſſeſſed the affections even of his Engliſh ſubjects, and, in a tolerable degree, their eſteem and regard. Hitherto their complaints were chiefly levelled againſt his too great conſtancy in his early friendſhips; a quality, which, had it been attended with more œconomy, the wiſe would have excuſed, and the candid would even, perhaps, have applauded. His parts, which were not deſpicable, and his learning, which was great, being highly extolled by his courtiers and gownmen, and not yet tried in the manage-

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1606.

ment of any delicate affairs, for which he was unfit, raiſed a high idea of him in the world; nor was it always through flattery or inſincerity, that he received the title of the ſecond Solomon. A report, which was ſuddenly ſpread about this time, of his being aſſaſſinated, viſibly ſtruck a great conſternation into all orders of men[l]. The commons alſo abated, this ſeſſion, ſomewhat of their exceſſive frugality, and granted him an aid, payable in four years, of three ſubſidies and ſix fifteenths, which, Sir Francis Bacon ſaid in the houſe[k], might amount to about four hundred thouſand pounds: And for once the king and parliament parted in friendſhip and good humour. The hatred which the catholics ſo viſibly bore him, gave him, at this time, an additional value in the eyes of his people. The only conſiderable point, in which the commons incurred his diſpleaſure, was by diſcovering their conſtant good-will to the puritans, in whoſe favour they deſired a conference with the lords[l]; Which was rejected.

A parliament.

November 18.

THE chief affair tranſacted next ſeſſion, was the intended union of the two kingdoms[m]. Nothing could exceed the king's paſſion and zeal for this noble enterprize, but the parliament's prejudice and reluctance againſt it. There remain two excellent ſpeeches in favour of the union, which it would not be improper to compare together; that of the king[n], and that of Sir Francis Bacon. Thoſe, who affect in every thing ſuch an extreme contempt for James, will be ſurpriſed to find, that his diſcourſe, both for good reaſoning, and eloquent compoſition, approaches very near that of a man, who was undoubtedly, at that time, one of the greateſt geniuſes in Europe. A few trivial indiſcretions and indecorums may

[i] Kennet, p. 676.
[l] Journ. 5th April, 1606.
[n] K. James's Works, p. 509.
[k] Journ. 20th May, 1606.
[m] Kennet, p. 6, 6.

be

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be ſaid to characterize the harangue of the monarch, and mark it for his own. And, in general, ſo open and avowed a declaration in favour of a meaſure, while he had taken no care, by any precaution or intrigue, to enſure ſucceſs, may ſafely be pronounced an indiſcretion. But the art of managing parliaments, by private intereſt or cabal, being found hitherto of little uſe or neceſſity, had not, as yet, become a part of Engliſh politics. In the common courſe of affairs, government could be conducted without their aſſiſtance; and when their concurrence became neceſſary to the meaſures of the crown, it was, generally ſpeaking, except in times of great faction and diſcontent, obtained without much difficulty.

THE king's influence ſeems to have rendered the Scottiſh parliament cordial in all the ſteps which they took towards the union. Though the advantages, which Scotland might hope from that meaſure, were more conſiderable; yet were the objections too, with regard to that kingdom, more ſtriking and obvious. The benefit which muſt have reſulted to England, both by acceſſion of ſtrength and ſecurity, was not deſpicable; and as the Engliſh were by far the greater nation, and poſſeſſed the ſeat of government, the objections, either from the point of honour or from jealouſy, could not reaſonably have any place among them. The Engliſh parliament indeed ſeem to have been ſwayed merely by the vulgar motive of national antipathy. And they perſiſted ſo obſtinately in their prejudices, that all the efforts for a thorough union and incorporation ended only in the abolition of the hoſtile laws formerly enacted between the kingdoms [o].

[o] The commons were even ſo averſe to the union, that they had complained in the former ſeſſion to the lords, of the biſhop of Briſtol, for writing a book in favour of it; and the prelate was obliged to make ſubmiſſions for this offence. The crime imputed to him ſeems to have conſiſted in his treating of a ſubject which lay before the parliament. So little notion had they as yet of general liberty! See Parliamentary Hiſtory, vol. v. p. 108, 109, 110.

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Some precipitate ſteps which the king, a little after his acceſſion, had taken, in order to promote his favourite project, had been here obſerved to do more injury than ſervice. From his own authority, he had aſſumed the title of king of Great Britain; and had quartered the arms of Scotland, with thoſe of England, in all coins, flags, and enſigns. He had alſo engaged the judges to make a declaration, that all thoſe who, after the union of the crowns, ſhould be born in either kingdom, were, for that reaſon alone, naturalized in both. This was a nice queſtion, and, according to the ideas of thoſe times, ſuſceptible of ſubtile reaſoning on both ſides. The king was the ſame: The parliaments were different. To render the people therefore the ſame, we muſt ſuppoſe that the ſovereign authority reſided chiefly in the prince, and that theſe popular aſſemblies were rather inſtituted to aſſiſt with money and advice, than endowed with any controuling or active powers in the government. *It is evident*, ſays Bacon in his pleadings on this ſubject, *that all other commonwealths, monarchies only excepted, do ſubſiſt by a law precedent. For where authority is divided amongſt many officers, and they not perpetual, but annual or temporary, and not to receive their authority but by election, and certain perſons too have voices only in that election, and the like; theſe are buſy and curious frames, which of neceſſity do preſuppoſe a law precedent, written or unwritten, to guide and direct them: But in monarchies, eſpecially hereditary, that is, when ſeveral families or lineages of people do ſubmit themſelves to one line, imperial or royal; the ſubmiſſion is more natural and ſimple; which afterwards, by law ſubſequent, is perfected, and made more formal: but that is grounded upon nature*[p]. It would ſeem, from this reaſoning, that the idea of a *hereditary, limited* monarchy, though implicitly ſuppoſed in many public tranſactions, had ſcarcely ever,

[p] Bacon's Works, vol. iv, p. 190, 191. Edit. 1730.

as yet, been expreſsly formed by any Engliſh lawyer or politician. CHAP. XLVI.

EXCEPT the obſtinacy of the parliament with regard to the union, and an attempt on the king's eccleſiaſtical juriſdiction [q], moſt of their meaſures, during this ſeſſion, were ſufficiently reſpectful and obliging; though they ſtill diſcover a vigilant ſpirit, and a careful attention towards national liberty. The votes alſo of the commons ſhow, that the houſe contained a mixture of puritans, who had acquired great authority among them [r], and who, together with religious prejudices, were continually ſuggeſting ideas, more ſuitable to a popular than a monarchical form of government. The natural appetite for rule made the commons lend a willing ear to every doctrine which tended to augment their own power and influence. 1606.

A PETITION was moved in the lower houſe for a more rigorous execution of the laws againſt popiſh recuſants, and an abatement towards proteſtant clergymen, who ſcrupled to obſerve the ceremonies. Both theſe points were equally unacceptable to the king; and he ſent orders to the houſe to proceed no farther in that matter. The commons were inclined, at firſt, to conſider theſe orders as a breach of privilege: But they ſoon acquieſced, when told that this meaſure of the king's was ſupported by many precedents during the reign of Elizabeth [s]. Had they been always diſpoſed to make the precedents of that reign the rule of their conduct, they needed never have had any quarrel with any of their monarchs. 1607.

THE complaints of Spaniſh depredations were very loud among the Engliſh merchants [t]. The lower houſe ſent a meſſage to the lords, deſiring a conference with 5th of June.

[q] Journ. 2 December, 5 March, 1606. 25, 26 June 1607.
[r] Journ. 26 February, 4, 7 March, 1606. 2 May, 17 June, 1607.
[s] Journ. 16, 17 June 1607. [t] Journ. 25 Feb. 1606.

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them, in order to their preſenting a joint petition to the king on the ſubject. The lords took ſome time to deliberate on this meſſage; becauſe, they ſaid, the matter was *weighty* and *rare*. It probably occurred to them at firſt, that the parliament's interpoſing in affairs of ſtate would appear unuſual and extraordinary. And, to ſhow that in this ſentiment they were not guided by court influence; after they had deliberated, they agreed to the conference.

1607.

THE houſe of commons began now to feel themſelves of ſuch importance, that on the motion of Sir Edwin Sandys, a member of great authority, they entered, for the firſt time, an order for the regular keeping of their journals[u]. When all buſineſs was finiſhed, the king prorogued the parliament.

ABOUT this time there was an inſurrection of the country people in Northamptonſhire, headed by one Reynolds, a man of low condition. They went about deſtroying incloſures; but carefully avoided committing any other outrage. This inſurrection was eaſily ſuppreſſed, and though great lenity was uſed towards the rioters, yet were ſome of the ringleaders puniſhed. The chief cauſe of that trivial commotion ſeems to have been, of itſelf, far from trivial. The practice ſtill continued in England, of diſuſing tillage, and throwing the land into incloſures for the ſake of paſture. By this means the kingdom was depopulated, at leaſt prevented from encreaſing ſo much in people as might have been expected from the daily encreaſe of induſtry and commerce.

4th of July.

1608.

NEXT year preſents us with nothing memorable: But in the ſpring of the ſubſequent, after a long negociation, was concluded, by a truce of twelve years, that war, which for near half a century had been carried on with

1609.

[u] Journ. 3 July 1607.

ſuch

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such fury between Spain and the States of the United Provinces. Never contest seemed, at first, more unequal: Never contest was finished with more honour to the weaker party. On the side of Spain were numbers, riches, authority, discipline: On the side of the revolted provinces were found the attachment to liberty and the enthusiasm of religion. By her naval enterprizes the republic maintained her armies; and, joining peaceful industry to military valour, she was enabled, by her own force, to support herself, and gradually rely less on those neighbouring princes, who, from jealousy to Spain, were at first prompted to encourage her revolt. Long had the pride of that monarchy prevailed over her interest, and prevented her from hearkening to any terms of accommodation with her rebellious subjects. But finding all intercourse cut off between her provinces by the maritime force of the states, she at last agreed to treat with them as a free people, and solemnly to renounce all claim and pretension to their sovereignty.

1609. Truce between Spain and the United Provinces.

THIS chief point being gained, the treaty was easily brought to a conclusion, under the joint mediation and guarantee of France and England. All exterior appearances of honour were paid equally to both crowns: But very different were the sentiments which the states, as well as all Europe, entertained of the princes who wore them. Frugality and vigour, the chief circumstances which procure regard among foreign nations, shone out as conspicuously in Henry as they were deficient in James. To a contempt of the English monarch, Henry seems to have added a considerable degree of jealousy and aversion, which were sentiments altogether without foundation. James was just and fair in all transactions with his allies[x], but it appears from the memoirs of

March 30.

[x] The plan of accommodation which James recommended is found in Winwood, vol. ii. p. 429, 430; and is the same that was recommended by Henry,

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1609. of thoſe times, that each ſide deemed him partial towards their adverſary, and fancied that he had entered into ſecret meaſures againſt them[y]. So little equity have men in their judgments of their own affairs; and ſo dangerous is that entire neutrality affected by the king of England!

1610. Feb. 9. A parliament.

THE little concern which James took in foreign affairs, renders the domeſtic occurrences, particularly thoſe of parliament, the moſt intereſting of his reign. A new ſeſſion was held this ſpring; the king full of hopes of receiving ſupply; the commons, of circumſcribing his prerogative. The earl of Saliſbury, now created treaſurer on the death of the earl of Dorſet, laid open the king's neceſſities, firſt to the peers, then to a committee of the lower houſe[z]. He inſiſted on the unavoidable expence incurred, in ſupporting the navy, and in ſuppreſſing a late inſurrection in Ireland: He mentioned three numerous courts which the king was obliged to maintain, for himſelf, for the queen, and for the prince of Wales: He obſerved, that queen Elizabeth, though a ſingle woman, had received very large ſupplies in the years preceding her death, which alone were expenſive to her: And he remarked, that, during her reign, ſhe had alienated many of the crown lands; an expedient which, though it ſupplied her preſent neceſſities, without laying burdens on her people, extremely multiplied the neceſſities of her ſucceſſor. From all theſe cauſes he thought

Henry, as we learn from Jeanin, tom. iii. p. 416, 417. It had long been imagined by hiſtorians from Jeanin's authority, that James had declared to the court of Spain, that he would not ſupport the Dutch in their pretenſions to liberty and independence. But it has ſince been diſcovered by Winwood's Memorials, vol. ii. p. 456. 466. 469. 475, 476. that that report was founded on a lie of preſident Richardot's.

[y] Winwood, and Jeanin, *paſſim*. [z] Journ. 17 Feb. 1609. Kennet, p. 681.

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it nowiſe ſtrange, that the king's income ſhould fall ſhort ſo great a ſum as eighty-one thouſand pounds of his ſtated and regular expence; without mentioning contingencies, which ought always to be eſteemed a fourth of the yearly charges. And as the crown was now neceſſarily burdened with a great and urgent debt of 300,000 pounds, he thence inferred the abſolute neceſſity of an immediate and large ſupply from the people. To all theſe reaſons, which James likewiſe urged in a ſpeech addreſſed to both houſes, the commons remained inexorable. But, not to ſhock the king with an abſolute refuſal, they granted him one ſubſidy and one fifteenth; which would ſcarcely amount to a hundred thouſand pounds. And James received the mortification of diſcovering, in vain, all his wants, and of begging aid of ſubjects who had no reaſonable indulgence or conſideration for him.

CHAP. XLVI. 1610. March 21.

AMONG the many cauſes of diſguſt and quarrel, which now daily and unavoidably multiplied between prince and parliament, this article of money is to be regarded as none of the leaſt conſiderable. After the diſcovery and conqueſt of the Weſt-Indies, gold and ſilver became every day more plentiful in England, as well as in the reſt of Europe; and the price of all commodities and proviſions roſe to a height beyond what had been known ſince the declenſion of the Roman empire. As the revenue of the crown roſe not in proportion[a], the prince was inſenſibly reduced to poverty amidſt the general riches of his ſubjects, and required additional funds, in order to ſupport the ſame magnificence and force which had been maintained by former monarchs. But, while money thus flowed into England, we may obſerve, that, at the ſame time, and probably from that very cauſe, arts

[a] Beſides the great alienation of the crown lands, the fee-farm rents never encreaſed, and the other lands were let on long leaſes, and at a great undervalue, little or nothing above the old rent.

and

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1610.

and induſtry of all kinds received a mighty encreaſe; and elegance in every enjoyment of life became better known, and more cultivated among all ranks of people. The king's ſervants, both civil and military, his courtiers, his miniſters, demanded more ample ſupplies from the impoveriſhed prince, and were not contented with the ſame ſimplicity of living, which had ſatisfied their anceſtors. The prince himſelf began to regard an encreaſe of pomp and ſplendor as requiſite to ſupport the dignity of his character, and to preſerve the ſame ſuperiority above his ſubjects, which his predeceſſors had enjoyed. Some equality too, and proportion to the other ſovereigns of Europe, it was natural for him to deſire; and as they had univerſally enlarged their revenue, and multiplied their taxes, the king of England deemed it reaſonable, that his ſubjects, who were generally as rich as theirs, ſhould bear with patience ſome additional burdens and impoſitions.

UNHAPPILY for the king, thoſe very riches, with the encreaſing knowledge of the age, bred oppoſite ſentiments in his ſubjects; and begetting a ſpirit of freedom and independence, diſpoſed them to pay little regard, either to the entreaties or menaces of their ſovereign. While the barons poſſeſſed their former immenſe property and extenſive juriſdictions, they were apt, at every diſguſt, to endanger the monarch, and throw the whole government into confuſion: But this confuſion often, in its turn, proved favourable to the monarch, and made the nation again ſubmit to him, in order to re-eſtabliſh juſtice and tranquillity. After the power of alienations, as well as the encreaſe of commerce, had thrown the balance of property into the hands of the commons, the ſituation of affairs, and the diſpoſitions of men became ſuſceptible of a more regular plan of liberty; and the laws were not ſupported ſingly by the authority of the ſovereign.

ſovereign. And though in that interval, after the decline of the peers, and before the people had yet experienced their force, the princes aſſumed an exorbitant power, and had almoſt annihilated the conſtitution under the weight of their prerogative; as ſoon as the commons recovered from their lethargy, they ſeem to have been aſtoniſhed at the danger, and were reſolved to ſecure liberty by firmer barriers than their anceſtors had hitherto provided for it.

HAD James poſſeſſed a very rigid frugality, he might have warded off this criſis ſomewhat longer; and waiting patiently for a favourable opportunity to increaſe and fix his revenue, might have ſecured the extenſive authority tranſmitted to him. On the other hand, had the commons been inclined to act with more generoſity and kindneſs towards their prince, they might probably have turned his neceſſities to good account, and have bribed him to depart peaceably from the more dangerous articles of his prerogative. But he was a foreigner, and ignorant of the arts of popularity; they were ſoured by religious prejudices, and tenacious of their money: And, in this ſituation, it is no wonder, that, during this whole reign, we ſcarcely find an interval of mutual confidence and friendſhip between prince and parliament.

THE king, by his prerogative alone, had, ſome years before, altered the rates of the cuſtoms, and had eſtabliſhed higher impoſitions on ſeveral kinds of merchandize. This exerciſe of power will naturally, to us, appear arbitrary and illegal; yet, according to the principles and practices of that time, it might admit of ſome apology. The duties of tonnage and poundage were at firſt granted to the crown, by a vote of parliament, and for a limited time; and as the grant frequently expired and was renewed, there could not then ariſe any doubt concerning the origin of the king's right to levy theſe duties; and

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this impoſition, like all others, was plainly derived from the voluntary conſent of the people. But as Henry V. and all the ſucceeding ſovereigns, had the revenue conferred on them for life, the prince, ſo long in poſſeſſion of theſe duties, began gradually to conſider them as his own proper right and inheritance, and regarded the vote of parliament as a mere formality, which rather expreſſed the acquieſcence of the people in his prerogative, than beſtowed any new gift or revenue upon him.

THE parliament, when it firſt granted poundage to the crown, had fixed no particular rates: The impoſition was given as a ſhilling a pound, or five *per cent.* on all commodities: It was left to the king himſelf, and the privy council, aided by the advice of ſuch merchants as they ſhould think proper to conſult, to fix the value of goods, and thereby the rates of the cuſtoms; And as that value had been ſettled before the diſcovery of the Weſt-Indies, it was become much inferior to the prices, which almoſt all commodities bore in every market in Europe; and conſequently, the cuſtoms on many goods, though ſuppoſed to be five *per cent.* was in reality much inferior. The king, therefore, was naturally led to think, that rates, which were now plainly falſe, ought to be corrected[b]; that a valuation of commodities, fixed by one act of the privy council, might be amended by another; that if his right to poundage were inherent in the crown, he ſhould alſo poſſeſs, of himſelf, the right of correcting its inequalities; if this duty were granted by the people, he ſhould at leaſt ſupport the ſpirit of the law, by fixing a new and a juſter valuation of all commodities. But beſides this reaſoning, which ſeems plauſible, if not ſolid, the king was ſupported in that act of power by direct precedents, ſome in the reign of Mary, ſome in

[b] Winwood, vol. ii. p. 438.

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the beginning of Elizabeth [c]. Both theſe princeſſes had, without conſent of parliament, altered the rates of commodities; and as their impoſitions had, all along, been ſubmitted to without a murmur, and ſtill continued to be levied, the king had no reaſon to apprehend, that a farther exertion of the ſame authority would give any occaſion of complaint. That leſs umbrage might be taken, he was moderate in the new rates, which he eſtabliſhed: The cuſtoms, during his whole reign, roſe only from 127,000 pounds a-year to 190,000; though, beſides the encreaſe of the rates, there was a ſenſible encreaſe of commerce and induſtry during that period: Every commodity, beſides, which might ſerve to the ſubſiſtence of the people, or might be conſidered as a material of manufactures, was exempted from the new impoſitions of James [d]: But all this caution could not prevent the complaints of the commons. A ſpirit of liberty had now taken poſſeſſion of the houſe: The leading members, men of an independent genius and large views, began to regulate their opinions, more by the future conſequences which they foreſaw, than by the former precedents which were ſet before them; and they leſs aſpired at maintaining the ancient conſtitution, than at eſtabliſhing a new one, and a freer, and a better. In their remonſtrances to the king on this occaſion, they obſerved it to be a general opinion, *That the reaſons of that practice might be extended much farther, even to the utter ruin of the ancient liberty of the kingdom, and the ſubjects' right of property in their lands and goods* [e]. Though expreſsly forbidden by the king to touch his prerogative, they paſſed a bill aboliſhing theſe impoſitions; which was rejected by the houſe of lords.

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[c] Journ. 18th April, 5th and 10th May, 1614, &c. 20th February, 1625. See alſo Sir John Davis's queſtion concerning impoſitions, p. 127, 128.

[d] Sir John Davis's queſtion concerning impoſitions. [e] Journ. 23d May, 1610.

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In another addreſs to the king, they objected to the practice of borrowing upon privy ſeals, and deſired, that the ſubjects ſhould not be forced to lend money to his majeſty, nor give a reaſon for their refuſal. Some murmurs likewiſe were thrown out in the houſe againſt a new monopoly of the licence of wines[f]. It muſt be confeſſed, that forced loans and monopolies were eſtabliſhed on many and ancient as well as recent precedents; though diametrically oppoſite to all the principles of a free government[g].

The houſe likewiſe diſcovered ſome diſcontent againſt the king's proclamations. James told them, *That though he well knew, by the conſtitution and policy of the kingdom, that proclamations were not of equal force with laws; yet he thought it a duty incumbent on him, and a power inſeparably annexed to the crown, to reſtrain and prevent ſuch miſchiefs and inconveniencies as he ſaw growing on the ſtate, againſt which no certain law was extant, and which might tend to the great detriment of the ſubject, if there ſhould be no remedy provided till the meeting of a parliament. And this prerogative*, he adds, *our progenitors have, in all times, uſed and enjoyed*[h]. The intervals between ſeſſions, we may obſerve, were frequently ſo long, as to render it neceſſary for a prince to interpoſe by his prerogative. The legality of this exertion was eſtabliſhed by uniform and undiſputed practice; and was even acknowledged by lawyers, who made, however, this difference between laws and proclamations, that the authority of the former was perpetual, that of the latter expired with the ſovereign who emitted them[i]. But what the authority could be, which bound the ſubject, yet was different from the authority of laws, and inferior to it, ſeems inexplicable

[f] Parliament. Hiſt. vol. v. p. 241. [g] See note [F] at the end of the volume. [h] Parliament. Hiſt. vol. v. p. 250. [i] Journ. 22 May, 1624.

by

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by any maxims of reaſon or politics: And in this inſtance, as in many others, it is eaſy to ſee, how inaccurate the Engliſh conſtitution was, before the parliament was enabled, by continued acquiſitions or encroachments, to eſtabliſh it on fixt principles of liberty.

UPON the ſettlement of the reformation, that extenſive branch of power, which regards eccleſiaſtical matters, being then without an owner, ſeemed to belong to the firſt occupant; and Henry VIII. failed not immediately to ſeize it, and to exert it even to the utmoſt degree of tyranny. The poſſeſſion of it was continued with Edward; and recovered by Elizabeth; and that ambitious princeſs was ſo remarkably jealous of this flower of her crown, that ſhe ſeverely reprimanded the parliament, if they ever preſumed to intermeddle in theſe matters; and they were ſo over-awed by her authority, as to ſubmit, and to aſk pardon on theſe occaſions. But James's parliaments were much leſs obſequious. They ventured to lift up their eyes, and to conſider this prerogative. They there ſaw a large province of government, poſſeſſed by the king alone, and ſcarcely ever communicated with the parliament. They were ſenſible, that this province admitted not of any exact boundary or circumſcription. They had felt, that the Roman pontiff, in former ages, under pretence of religion, was gradually making advances to uſurp the whole civil power. They dreaded ſtill more dangerous conſequences from the claims of their own ſovereign, who reſided among them, and who, in many other reſpects, poſſeſſed ſuch unlimited authority. They therefore deemed it abſolutely neceſſary to circumſcribe this branch of prerogative; and accordingly, in the preceding ſeſſion, they paſſed a bill againſt the eſtabliſhment of any eccleſiaſtical canons without conſent of parliament [k]. But the

[k] Journ. 2d, 11th December; 5th March, 1606.

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houſe of lords, as is uſual, defended the barriers of the throne, and rejected the bill.

In this ſeſſion, the commons, after paſſing anew the ſame bill, made remonſtrances againſt the proceedings of the *high commiſſion court*[l]. It required no great penetration to ſee the extreme danger to liberty, ariſing in a regal government, from ſuch large diſcretionary powers as were exerciſed by that court. But James refuſed compliance with the application of the commons. He was probably ſenſible, that, beſides the diminution of his authority, many inconveniencies muſt neceſſarily reſult from the aboliſhing of all diſcretionary power in every magiſtrate; and that the laws, were they ever ſo carefully framed and digeſted, could not poſſibly provide againſt every contingency; much leſs, where they had not, as yet, attained a ſufficient degree of accuracy and refinement.

But the buſineſs, which chiefly occupied the commons, during this ſeſſion, was the abolition of wardſhips and purveyance; prerogatives, which had been more or leſs touched on, every ſeſſion, during the whole reign of James. In this affair, the commons employed the proper means, which might intitle them to ſucceſs: They offered the king a ſettled revenue as an equivalent for the powers which he ſhould part with; and the king was willing to hearken to terms. After much diſpute, he agreed to give up theſe prerogatives for 200,000 pounds a-year, which they agreed to confer upon him[m]. And nothing

[l] Parliament. Hiſt. vol. v. p. 247. Kennet, p. 681.

[m] We learn from Winwood's Memorials, vol. ii. p. 193. the reaſon aſſigned for this particular ſum. "From thence my lord treaſurer came to the "price; and here he ſaid, that the king would no more riſe and fall like a mer"chant. That he would not have a flower of his crown (meaning the court "of wards) ſo much toſſed; that it was too dainty to be ſo handled: And "then he ſaid, that he muſt deliver the very countenance and character of "the king's mind out of his own hand-writing: Which, before he read, he "ſaid

nothing remained, towards closing the bargain, but that the commons should determine the funds, by which this sum should be levied. This session was too far advanced to bring so difficult a matter to a full conclusion; and though the parliament met again, towards the end of the year, and resumed the question, they were never able to terminate an affair, upon which they seemed so intent. The journals of that session are lost; and, as the historians of this reign are very negligent in relating parliamentary affairs, of whose importance they were not sufficiently apprised, we know not exactly the reason of this failure. It only appears, that the king was extremely dissatisfied with the conduct of the parliament, and soon after dissolved it. This was his first parliament, and it sat near seven years. CHAP. XLVI. 1610.

AMIDST all these attacks, some more, some less violent, on royal prerogative, the king displayed, as openly as ever, all his exalted notions of monarchy and the authority of princes. Even in a speech to the parliament, where he begged for supply, and where he should naturally have used every art to ingratiate himself with that assembly, he expressed himself in these terms: "I conclude, then, the point, touching the power of kings, "with this axiom of divinity, that, as to dispute *what* "*God may do*, is blasphemy, but *what God wills*, that

"said he would acquaint us with a pleasant conceit of his majesty. As "concerning the number of ninescore thousand pounds, which was our "number, he could not affect, because nine was the number of the poets, "who were always beggars, though they served so many muses; and eleven "was the number of the apostles, when the traitor, Judas, was away; and "therefore might best be affected by his majesty: But there was a mean "number, which might accord us both; and *that was ten*: Which, says "my lord treasurer, is a sacred number; for so many were God's command-"ments, which tend to virtue and edification." If the commons really voted 20,000 pounds a-year more, on account of this *pleasant conceit* of the king and the treasurer, it was certainly the best paid wit, for its goodness, that ever was in the world.

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1610. "divines may lawfully and do ordinarily diſpute and "diſcuſs; ſo is it ſedition in ſubjects to diſpute what a "king may do in the height of his power. But juſt "kings will ever be willing to declare what they will "do, if they will not incur the curſe of God. I will "not be content, that my power be diſputed upon; but "I ſhall ever be willing to make the reaſon appear of "my doings, and rule my actions according to *my* "laws [n]." Notwithſtanding the great extent of prerogative in that age, theſe expreſſions would probably give ſome offence. But we may obſerve, that, as the king's deſpotiſm was more ſpeculative than practical, ſo the independency of the commons was, at this time, the reverſe; and though ſtrongly ſupported by their preſent ſituation, as well as diſpoſition, was too new and recent to be as yet founded on ſyſtematical principles and opinions [o].

3d May. Death of the French king.

THIS year was diſtinguiſhed by a memorable event, which gave great alarm and concern in England; the murder of the French monarch by the poinard of the fanatical Ravaillac. With his death, the glory of the French monarchy ſuffered an eclipſe for ſome years; and as that kingdom fell under an adminiſtration weak and bigoted, factious and diſorderly, the Auſtrian greatneſs began anew to appear formidable to Europe. In England, the antipathy to the catholics revived a little upon this tragical event; and ſome of the laws, which had formerly been enacted, in order to keep theſe religioniſts in awe, began now to be executed with greater rigour and ſeverity [p].

1611. THOUGH James's timidity and indolence fixed him, during moſt of his reign, in a very prudent inattention

[n] K. James's Works, p. 531.

[o] See note [G] at the end of the volume.

[p] Kennet, p. 684.

to

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to foreign affairs, there happened, this year, an event in Europe of ſuch mighty conſequence as to rouze him from his lethargy, and ſummon up all his zeal and enterprize. A profeſſor of divinity, named Vorſtius, the diſciple of Arminius, was called from a German to a Dutch univerſity; and as he differed from his Britannic majeſty in ſome nice queſtions concerning the intimate eſſence and ſecret decrees of God, he was conſidered as a dangerous rival in ſcholaſtic fame, and was, at laſt, obliged to yield to the legions of that royal doctor, whoſe ſyllogiſms he might have refuted or eluded. If vigour was wanting in other incidents of James's reign, here he behaved even with haughtineſs and inſolence; and the ſtates were obliged, after ſeveral remonſtrances, to deprive Vorſtius of his chair, and to baniſh him their dominions[l]. The king carried no farther his animoſity againſt that profeſſor; though he had very charitably hinted to the ſtates, *That, as to the burning of Vorſtius for his blaſphemies and atheiſm, he left them to their own Chriſtian wiſdom; but ſurely never heretic better deſerved the flames*[m]. It is to be remarked, that, at this period, all over Europe, except in Holland alone, the practice of burning heretics ſtill prevailed, even in proteſtant countries; and inſtances were not wanting in England, during the reign of James.

1611.

Arminianiſm.

To conſider James in a more advantageous light, we muſt take a view of him as the legiſlator of Ireland; and moſt of the inſtitutions, which he had framed for civilizing that kingdom, being finiſhed about this period, it may not here be improper to give ſome account of them. He frequently boaſts of the management of Ireland as his maſter-piece; and it will appear, upon inquiry, that his vanity, in this particular, was not altogether without foundation.

[l] Kennet, p. 715.

[m] K. James's Works, p. 355.

AFTER

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1612. State of Ireland.

AFTER the ſubjection of Ireland by Elizabeth, the more difficult taſk ſtill remained; to civilize the inhabitants, to reconcile them to laws and induſtry, and to render their ſubjection durable and uſeful to the crown of England. James proceeded in this work by a ſteady, regular, and well-concerted plan; and in the ſpace of nine years, according to Sir John Davis, he made greater advances towards the reformation of that kingdom, than had been made in the 440 years, which had elapſed ſince the conqueſt was firſt attempted [n].

IT was previouſly neceſſary to aboliſh the Iriſh cuſtoms, which ſupplied the place of laws, and which were calculated to keep that people for ever in a ſtate of barbariſm and diſorder.

BY the *Brehon* law or cuſtom, every crime, however enormous, was puniſhed, not with death, but by a fine or pecuniary mulct, which was levied upon the criminal. Murder itſelf, as among all the ancient barbarous nations, was atoned for in this manner; and each man, according to his rank, had a different rate or value affixed to him, which, if any one were willing to pay, he needed not fear aſſaſſinating his enemy. This rate was called his *eric*. When Sir William Fitzwilliams, being lord deputy, told Maguire, that he was to ſend a ſheriff into Fermannah, which, a little before, had been made a county, and ſubjected to the Engliſh law; *Your ſheriff*, ſaid Maguire, *ſhall be welcome to me: But, let me know, beforehand, his* eric, *or the price of his head, that, if my people cut it off, I may levy the money upon the county* [o]. As for oppreſſion, extortion, and other treſpaſſes, ſo little were they regarded, that no penalty was affixed to them, and no redreſs for ſuch offences could ever be obtained.

THE cuſtoms of *Gavelkinde* and *Tauiſtry* were attended with the ſame abſurdity in the diſtribution of property.

[n] King James's Works, p. 259. edit. 1613. [o] Sir John Davis, p. 165.

The

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1612.

The land, by the cuſtom of Gavelkinde, was divided among all the males of the ſept or family, both baſtard and legitimate: And, after partition made, if any of the ſept died, his portion was not ſhared out among his ſons; but the chieftain, at his diſcretion, made a new partition of all the lands, belonging to that ſept, and gave every one his ſhare [p]. As no man, by reaſon of this cuſtom, enjoyed the fixed property of any land; to build, to plant, to encloſe, to cultivate, to improve, would have been ſo much loſt labour.

THE chieftains and the Taniſts, though drawn from the principal families, were not hereditary, but were eſtabliſhed by election, or, more properly ſpeaking, by force and violence. Their authority was almoſt abſolute; and, notwithſtanding that certain lands were aſſigned to the office, its chief profit reſulted from exactions, dues, aſſeſſments, for which there was no fixed law, and which were levied at pleaſure [q]. Hence aroſe that common bye-word among the Iriſh, *That they dwelt weſtward of the law, which dwelt beyond the river of the Barrow:* Meaning the country, where the Engliſh inhabited, and which extended not beyond the compaſs of twenty miles, lying in the neighbourhood of Dublin [r].

AFTER aboliſhing theſe Iriſh cuſtoms, and ſubſtituting Engliſh law in their place; James having taken all the natives under his protection, and declared them free citizens, proceeded to govern them by a regular adminiſtration, military as well as civil.

A SMALL army was maintained, its diſcipline inſpected, and its pay tranſmitted from England, in order to keep the ſoldiers from preying upon the country, as had been uſual in former reigns. When Odoghartie raiſed an inſurrection, a reinforcement was ſent over, and the flames of that rebellion were immediately extinguiſhed.

[p] Sir John Davis, p. 167. [q] Id. p. 173. [r] Id. p. 237.

ALL

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1612.

ALL minds being firſt quieted by a general indemnity[s]; circuits were eſtabliſhed, juſtice adminiſtered, oppreſſion baniſhed, and crimes and diſorders of every kind ſeverely puniſhed[t]. As the Iriſh had been univerſally engaged in the rebellion againſt Elizabeth, a reſignation of all the rights, which had been formerly granted them to ſeparate juriſdictions, was rigorouſly exacted; and no authority, but that of the king and the law, was permitted throughout the kingdom[u].

A RESIGNATION of all private eſtates was even required; and when they were reſtored, the proprietors received them under ſuch conditions as might prevent, for the future, all tyranny and oppreſſion over the common people. The value of the dues, which the nobles uſually claimed from their vaſſals, was eſtimated at a fixed ſum, and all farther arbitrary exactions prohibited under ſevere penalties[x].

THE whole province of Ulſter having fallen to the crown by the attainder of rebels, a company was eſtabliſhed in London, for planting new colonies in that fertile country: The property was divided into moderate ſhares, the largeſt not exceeding 2000 acres: Tenants were brought over from England and Scotland: The Iriſh were removed from the hills and faſtneſſes, and ſettled in the open country: Huſbandry and the arts were taught them: A fixed habitation ſecured: Plunder and robbery puniſhed: And, by theſe means, Ulſter, from being the moſt wild and diſorderly province of all Ireland, ſoon became the beſt cultivated and moſt civilized[y].

SUCH were the arts, by which James introduced humanity and juſtice among a people, who had ever been buried in the moſt profound barbariſm. Noble cares! much ſuperior to the vain and criminal glory of con-

[s] Sir John Davis, p. 263. [t] Id. p. 264, 265, &c. [u] Id. p. 276.
[x] Id. p. 278. [y] Id. p. 280.

queſts;

queſts; but requiring ages of perſeverance and attention to perfect what had been ſo happily begun. CHAP. XLVI. 1612.

A LAUDABLE act of juſtice was, about this time, executed in England upon lord Sanquhir, a Scottiſh nobleman, who had been guilty of the baſe aſſaſſination of Turner, a fencing-maſter. The Engliſh nation, who were generally diſſatisfied with the Scots, were enraged at this crime, equally mean and atrocious; but James appeaſed them, by preferring the ſeverity of law to the interceſſion of the friends and family of the criminal [z].

[z] Kennet, p. 688.

CHAP. XLVII.

Death of Prince Henry——Marriage of the Princeſs Elizabeth with the Palatine——Riſe of Somerſet——His marriage——Overbury poiſoned——Fall of Somerſet——Riſe of Buckingham——Cautionary towns delivered——Affairs of Scotland.

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1612.

Nov. 6th, Death of Prince Henry.

THIS year the ſudden death of Henry, prince of Wales, diffuſed an univerſal grief throughout the nation. Though youth and royal birth, both of them ſtrong allurements, prepoſſeſs men mightily in favour of the early age of princes; it is with peculiar fondneſs that hiſtorians mention Henry: And, in every reſpect, his merit ſeems to have been extraordinary. He had not reached his eighteenth year, and he already poſſeſſed more dignity in his behaviour, and commanded more reſpect, than his father, with all his age, learning, and experience. Neither his high fortune, nor his youth, had ſeduced him into any irregular pleaſures: Buſineſs and ambition ſeem to have been his ſole paſſion. His inclinations, as well as exerciſes, were martial. The French ambaſſador, taking leave of him, and aſking his commands for France, found him employed in the exerciſe of the pike; *Tell your king*, ſaid he, *in what occupation you left me engaged*[a]. He had conceived great affection and eſteem for the brave Sir Walter Raleigh. It was his ſaying, *Sure no king but my father would keep ſuch a bird in a cage*[b]. He ſeems indeed to have nouriſhed

[a] The French monarch had given particular orders to his miniſters to cultivate the prince's friendſhip; who muſt ſoon, ſaid he, have chief authority in England, where the king and queen are held in ſo little eſtimation. See *Dep. de la Boderie*, vol. i. p. 402. 415. vol. ii. p. 16. 349.

[b] Coke's detection, p. 37.

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too violent a contempt for the king on account of his pedantry and puſillanimity; and by that means ſtruck in with the reſtleſs and martial ſpirit of the Engliſh nation. Had he lived, he had probably promoted the glory, perhaps not the felicity, of his people. The unhappy prepoſſeſſion, which men commonly entertain in favour of ambition, courage, enterprize, and other warlike virtues, engages generous natures, who always love fame, into ſuch purſuits as deſtroy their own peace, and that of the reſt of mankind. 1612.

VIOLENT reports were propagated, as if Henry had been carried off by poiſon; but the phyſicians, on opening his body, found no ſymptoms to confirm ſuch an opinion [c]. The bold and criminal malignity of men's tongues and pens ſpared not even the king on the occaſion. But that prince's character ſeems rather to have failed in the extreme of facility and humanity, than in that of cruelty and violence. His indulgence to Henry was great, and perhaps imprudent, by giving him a large and independent ſettlement, even in ſo early youth.

THE marriage of the princeſs Elizabeth, with Frederic, Elector Palatine, was finiſhed ſome time after the death of the prince, and ſerved to diſſipate the grief, which aroſe on that melancholy event. But this marriage, though celebrated with great joy and feſtivity, proved, itſelf, an unhappy event to the king, as well as to his ſon-in-law, and had ill conſequences on the reputation and fortunes of both. The Elector, truſting to ſo great an alliance, engaged in enterprizes beyond his ſtrength: And the king, not being able to ſupport him in his diſtreſs, loſt entirely, in the end of his life, what remained of the affections and eſteem of his own ſubjects. 1613.

Feb. 14. Marriage of the Princeſs Elizabeth with the Palatine.

EXCEPT during ſeſſions of parliament, the hiſtory of this reign may more properly be called the hiſtory of the

[c] Kennet, p. 690. Coke, p. 37. Welwood, p. 272.

court

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1613. Riſe of Somerſet.

court than that of the nation. An intereſting object had, for ſome years, engaged the attention of the court: It was a favourite, and one beloved by James with ſo profuſe and unlimited an affection, as left no room for any rival or competitor. About the end of the year 1609, Robert Carre, a youth of twenty years of age, and of a good family in Scotland, arrived in London, after having paſſed ſome time in his travels. All his natural accompliſhments conſiſted in good looks: All his acquired abilities, in an eaſy air and graceful demeanour. He had letters of recommendation to his countryman lord Hay; and that nobleman no ſooner caſt his eye upon him, than he diſcovered talents ſufficient to entitle him immediately to make a great figure in the government. Apprized of the king's paſſion for youth and beauty, and exterior appearance, he ſtudied how matters might be ſo managed that this new object ſhould make the ſtrongeſt impreſſion upon him. Without mentioning him at court, he aſſigned him the office, at a match at tilting, of preſenting to the king his buckler and device; and hoped that he would attract the attention of the monarch. Fortune proved favourable to his deſign, by an incident, which bore at firſt a contrary aſpect. When Carre was advancing to execute his office, his unruly horſe flung him, and broke his leg in the king's preſence. James approached him with pity and concern: Love and affection aroſe on the ſight of his beauty and tender years; and the prince ordered him immediately to be lodged in the palace, and to be carefully attended. He himſelf, after the tilting, paid him a viſit in his chamber, and frequently returned during his confinement. The ignorance and ſimplicity of the boy finiſhed the conqueſt, begun by his exterior graces and accompliſhments. Other princes have been fond of chuſing their favourites from among the lower ranks of their ſubjects, and have repoſed themſelves on

them with the more unreſerved confidence and affection, CHAP. XLVII. becauſe the object has been beholden to their bounty for every honour and acquiſition: James was deſirous that his favourite ſhould alſo derive from him all his ſenſe, experience, and knowledge. Highly conceited of his own wiſdom, he pleaſed himſelf with the fancy, that this raw youth, by his leſſons and inſtructions, would, in a little time, be equal to his ſageſt miniſters, and be initiated into all the profound myſteries of government, on which he ſet ſo high a value. And as this kind of creation was more perfectly his own work than any other, he ſeems to have indulged an unlimited fondneſs for his minion, beyond even that which he bore to his own children. He ſoon knighted him, created him viſcount Rocheſter, gave him the garter, brought him into the privy-council, and though, at firſt, without aſſigning him any particular office, beſtowed on him the ſupreme direction of all his buſineſs and political concerns. Agreeable to this rapid advancement in confidence and honour, were the riches heaped upon the needy favourite; and while Saliſbury and all the wiſeſt miniſters could ſcarcely find expedients ſufficient to keep in motion the overburthened machine of government, James, with unſparing hand, loaded with treaſures this inſignificant and uſeleſs pageant [d]. 1613.

It is ſaid, that the king found his pupil ſo ill educated, as to be ignorant even of the loweſt rudiments of the Latin tongue; and that the monarch, laying aſide the ſceptre, took the birch into his royal hand, and inſtructed him in the principles of grammar. During the intervals of this noble occupation, affairs of ſtate would be introduced; and the ſtripling, by the aſcendant which he had acquired, was now enabled to repay in political, what he had received in grammatical, inſtruction. Such ſcenes

[d] Kennet, p. 685, 686, &c.

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and ſuch incidents, are the more ridiculous, though the leſs odious, as the paſſion of James ſeems not to have contained in it any thing criminal or flagitious. Hiſtory charges herſelf willingly with a relation of the great crimes, and ſtill more with that of the great virtues of mankind; but ſhe appears to fall from her dignity, when neceſſitated to dwell on ſuch frivolous events and ignoble perſonages.

THE favourite was not, at firſt, ſo intoxicated with advancement, as not to be ſenſible of his own ignorance and inexperience. He had recourſe to the aſſiſtance and advice of a friend; and he was more fortunate in his choice, than is uſual with ſuch pampered minions. In Sir Thomas Overbury he met with a judicious and ſincere counſellor, who, building all hopes of his own preferment on that of the young favourite, endeavoured to inſtil into him the principles of prudence and diſcretion. By zealouſly ſerving every body, Carre was taught to abate the envy which might attend his ſudden elevation: By ſhewing a preference for the Engliſh, he learned to eſcape the prejudices which prevailed againſt his country. And ſo long as he was content to be ruled by Overbury's friendly counſels, he enjoyed, what is rare, the higheſt favour of the prince, without being hated by the people.

To complete the meaſure of courtly happineſs, nought was wanting but a kind miſtreſs; and, where high fortune concurred with all the graces of youth and beauty, this circumſtance could not be difficult to attain. But it was here that the favourite met with that rock on which all his fortunes were wrecked, and which plunged him for ever into an abyſs of infamy, guilt, and miſery.

No ſooner had James mounted the throne of England, than he remembered his friendſhip for the unfortunate families of Howard and Devereux, who had ſuffered for their attachment to the cauſe of Mary and to his own. Having reſtored young Eſſex to his blood and dignity, and

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and conferred the titles of Suffolk and Northampton on two brothers of the houſe of Norfolk, he ſought the farther pleaſure of uniting theſe families by the marriage of the earl of Eſſex with lady Frances Howard, daughter of the earl of Suffolk. She was only thirteen, he fourteen years of age; and it was thought proper, till both ſhould attain the age of puberty, that he ſhould go abroad and paſs ſome time in his travels[e]. He returned into England after four years abſence, and was pleaſed to find his counteſs in the full luſtre of beauty, and poſſeſſed of the love and admiration of the whole court. But, when the earl approached, and claimed the privileges of a huſband, he met with nothing but ſymptoms of averſion and diſguſt, and a flat refuſal of any farther familiarities. He applied to her parents, who conſtrained her to attend him into the country, and to partake of his bed: But nothing could overcome her rigid ſullenneſs and obſtinacy; and ſhe ſtill roſe from his ſide, without having ſhared the nuptial pleaſures. Diſguſted with reiterated denials, he at laſt gave over the purſuit, and ſeparating himſelf from her, thenceforth abandoned her conduct to her own will and diſcretion.

SUCH coldneſs and averſion in lady Eſſex, aroſe not without an attachment to another object. The favourite had opened his addreſſes, and had been too ſucceſsful in making impreſſion on the tender heart of the young counteſs[f]. She imagined, that, ſo long as ſhe refuſed the embraces of Eſſex, ſhe never could be deemed his wife, and that a ſeparation and divorce might ſtill open the way for a new marriage with her beloved Rocheſter[g]. Though their paſſion was ſo violent, and their opportunities of intercourſe ſo frequent, that they had already indulged themſelves in all the gratifications of love, they ſtill lamented their unhappy fate, while the union be-

[e] Kennet, p. 686. [f] Idem, p. 687. [g] State Trials, vol. i. p. 228.

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tween them was not entire and indiſſoluble. And the lover, as well as his miſtreſs, was impatient, till their mutual ardour ſhould be crowned by marriage.

So momentous an affair could not be concluded without conſulting Overbury, with whom Rocheſter was accuſtomed to ſhare all his ſecrets. While that faithful friend had conſidered his patron's attachment to the counteſs of Eſſex merely as an affair of gallantry, he had favoured its progreſs; and it was partly owing to the ingenious and paſſionate letters which he dictated, that Rocheſter had met with ſuch ſucceſs in his addreſſes. Like an experienced courtier, he thought that a conqueſt of this nature would throw a luſtre on the young favourite, and would tend ſtill farther to endear him to James, who was charmed to hear of the amours of his court, and liſtened with attention to every tale of gallantry. But great was Overbury's alarm, when Rocheſter mentioned his deſign of marrying the counteſs; and he uſed every method to diſſuade his friend from ſo fooliſh an attempt. He repreſented how invidious, how difficult an enterprize to procure her a divorce from her huſband: How dangerous, how ſhameful, to take into his own bed a profligate woman, who, being married to a young nobleman of the firſt rank, had not ſcrupled to proſtitute her character, and to beſtow favours on the object of a capricious and momentary paſſion. And, in the zeal of friendſhip, he went ſo far as to threaten Rocheſter, that he would ſeparate himſelf for ever from him, if he could ſo far forget his honour and his intereſt as to proſecute the intended marriage [h].

ROCHESTER had the weakneſs to reveal this converſation to the counteſs of Eſſex; and when her rage and fury broke out againſt Overbury, he had alſo the weakneſs to enter into her vindictive projects, and to ſwear

[h] State Trials, vol. i. p. 235, 236. 252. Franklyn, p. 14.

vengeance

vengeance againſt his friend, for the utmoſt inſtance, which he could receive, of his faithful friendſhip. Some contrivance was neceſſary for the execution of their purpoſe. Rocheſter addreſſed himſelf to the king; and after complaining, that his own indulgence to Overbury had begotten in him a degree of arrogance, which was extremely diſagreeable, he procured a commiſſion for his embaſſy to Ruſſia; which he repreſented as a retreat for his friend, both profitable and honourable. When conſulted by Overbury, he earneſtly diſſuaded him from accepting this offer, and took on himſelf the office of ſatisfying the king, if he ſhould be any-wiſe diſpleaſed with the refuſal [1]. To the king again, he aggravated the inſolence of Overbury's conduct, and obtained a warrant for committing him to the Tower, which James intended as a ſlight puniſhment for his diſobedience. The lieutenant of the Tower was a creature of Rocheſter's, and had lately been put into the office for this very purpoſe: He confined Overbury ſo ſtrictly, that the unhappy priſoner was debarred the ſight even of his neareſt relations; and no communication of any kind was allowed with him, during near ſix months which he lived in priſon.

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THIS obſtacle being removed, the lovers purſued their purpoſe; and the king himſelf, forgetting the dignity of his character, and his friendſhip for the family of Eſſex, entered zealouſly into the project of procuring the counteſs a divorce from her huſband. Eſſex alſo embraced the opportunity of ſeparating himſelf from a bad woman, by whom he was hated; and he was willing to favour their ſucceſs by any honourable expedient. The pretence for a divorce was his incapacity to fulfil the conjugal duties; and he confeſſed, that, with regard to the counteſs, he was conſcious of ſuch an infirmity, though

[1] State Trials, vol. i. p. 236, 237, &c.

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he was not ſenſible of it with regard to any other woman. In her place too, it is ſaid, a young virgin was ſubſtituted under a maſk, to undergo the legal inſpection by a jury of matrons. After ſuch a trial, ſeconded by court-influence, and ſupported by the ridiculous opinion of faſcination or witchcraft, the ſentence of divorce was pronounced between the earl of Eſſex and his counteſs [k]. And, to crown the ſcene, the king, ſolicitous leſt the lady ſhould loſe any rank by her new marriage, beſtowed on his minion the title of earl of Somerſet.

NOTWITHSTANDING this ſucceſs, the counteſs of Somerſet was not ſatisfied, till ſhe ſhould farther ſatiate her revenge on Overbury; and ſhe engaged her huſband, as well as her uncle, the earl of Northampton, in the atrocious deſign of taking him off ſecretly by poiſon. Fruitleſs attempts were reiterated by weak poiſons; but, at laſt, they gave him one ſo ſudden and violent, that the ſymptoms were apparent to every one who approached him [l]. His interment was hurried on with the greateſt precipitation; and, though a ſtrong ſuſpicion immediately prevailed in the public, the full proof of the crime was not brought to light till ſome years after.

Overbury poiſoned. 16th Sept.

THE fatal cataſtrophe of Overbury encreaſed or begot the ſuſpicion, that the prince of Wales had been carried off by poiſon, given him by Somerſet. Men conſidered not, that the contrary inference was much juſter. If Somerſet was ſo great a novice in this deteſtable art, that, during the courſe of five months, a man who was his priſoner, and attended by none but his emiſſaries, could not be diſpatched but in ſo bungling a manner; how could it be imagined that a young prince, living in his own court, ſurrounded by his own friends and domeſtics,

[k] State Trials, vol. i. p. 223, 224, &c. Franklyn's Annals, p. 2, 3, &c.
[l] Kennet, p. 693. State Trials, vol. i. p. 233, 234, &c.

could

could be expoſed to Somerſet's attempts, and be taken off by ſo ſubtle a poiſon, if ſuch a one exiſt, as could elude the ſkill of the moſt experienced phyſicians? CHAP. XLVII. 1613.

THE ableſt miniſter that James ever poſſeſſed, the earl of Saliſbury, was dead [m]: Suffolk, a man of ſlender capacity, had ſucceeded him in his office: And it was now his taſk to ſupply, from an exhauſted treaſury, the profuſion of James and of his young favourite. The title of baronet, invented by Saliſbury, was ſold; and two hundred patents of that ſpecies of knighthood were diſpoſed of for ſo many thouſand pounds: Each rank of nobility had alſo its price affixed to it [n]. Privy ſeals were circulated to the amount of 200,000 pounds: Benevolences were exacted to the amount of 52,000 pounds [o]: And ſome monopolies of no great value were erected. But all theſe expedients proved inſufficient to ſupply the king's neceſſities; even though he began to enter into ſome ſchemes for retrenching his expences [p]. However ſmall the hopes of ſucceſs, a new parliament muſt be ſummoned, and this dangerous expedient, for ſuch it was now become, once more be put to trial.

WHEN the commons were aſſembled, they diſcovered an extraordinary alarm, on account of the rumour which was ſpread abroad concerning *undertakers* [q]. It was reported, that ſeveral perſons, attached to the king, had entered into a confederacy; and having laid a regular plan for the new elections, had diſtributed their intereſt all over England, and had undertaken to ſecure a majority for the court. So ignorant were the commons, that they knew not this incident to be the firſt infallible ſymptom of any regular or eſtabliſhed liberty. Had they been contented to follow the maxims of their predeceſſors, 1614. 5th April. A parliament.

[m] 14th of May, 1612. [n] Franklyn, p. 11. 33. [o] Idem, p. 10.
[p] Idem, p. 49. [q] Parliam. Hiſt. vol. v. p. 286. Kennet, p. 696. Journ. 12 April, 2d May, 1614, &c. Franklyn, p. 48.

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who, as the earl of Salisbury said to the last parliament, never, but thrice in six hundred years, refused a supply[r]; they needed not dread that the crown should ever interest itself in their elections. Formerly, the kings even insisted, that none of their household should be elected members; and, though the charter was afterwards declared void, Henry VI. from his great favour to the city of York, conferred a peculiar privilege on its citizens, that they should be exempted from this trouble[s]. It is well known, that, in ancient times, a seat in the house being considered as a burthen, attended neither with honour nor profit, it was requisite for the counties and boroughs to pay fees to their representatives. About this time a seat began to be regarded as an honour, and the country-gentlemen contended for it; though the practice of levying wages for the parliament men was not altogether discontinued. It was not till long after, when liberty was thoroughly established, and popular assemblies entered into every branch of public business, that the members began to join profit to honour, and the crown found it necessary to distribute among them all the considerable offices of the kingdom.

So little skill or so small means had the courtiers, in James's reign, for managing elections, that this house of commons showed rather a stronger spirit of liberty than the foregoing; and instead of entering upon the business of supply, as urged by the king, who made them several liberal offers of grace[t], they immediately resumed the

[r] Journ. 17 Feb. 1609. It appears, however, that Salisbury was somewhat mistaken in this fact: And if the kings were not oftener refused supply by the parliament, it was only because they would not often expose themselves to the hazard of being refused: But it is certain that English parliaments did anciently carry their frugality to an extreme, and seldom could be prevailed upon to give the necessary support to government.

[s] Coke's institutes, part 4. chap. 1. of charters of exemption.

[t] Journ. 11 April, 1614.

subject,

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subject, which had been opened last parliament, and disputed his majesty's power of levying new customs and impositions, by the mere authority of his prerogative. It is remarkable, that, in their debates on this subject, the courtiers frequently pleaded as a precedent, the example of all the other hereditary monarchs in Europe, and particularly mentioned the kings of France and Spain; nor was this reasoning received by the house, either with surprize or indignation [u]. The members of the opposite party either contented themselves with denying the justness of the inference, or they disputed the truth of the observation [x]. And a patriot member in particular, Sir Roger Owen, even in arguing against the impositions, frankly allowed, that the king of England was endowed with as ample power and prerogative as any prince in Christendom [y]. The nations on the continent, we may observe, enjoyed still, in that age, some small remains of liberty; and the English were possessed of little more.

The commons applied to the lords for a conference with regard to the new impositions. A speech of Neile, bishop of Lincoln, reflecting on the lower house, begat some altercation with the peers [z]; and the king seized the opportunity of dissolving, immediately, with great indignation, a parliament which had shown so firm a resolution of retrenching his prerogative, without communicating, in return, the smallest supply to his necessities. He carried his resentment so far as even to throw into prison some of the members, who had been the most forward in their opposition to his measures [a]. In vain did he plead, in excuse for his violence, the example of Elizabeth and other princes of the line of Tudor, as well as Plantagenet. The people and the parliament, without

6th June.

[u] Journ. 21 May, 1614. [x] Journ. 12, 21 May, 1614. [y] Journ. 18 April, 1614. [z] See note [H] at the end of the volume.

[a] Kennet, p. 696.

abandoning

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1614. abandoning for ever all their liberties and privileges, could acquieſce in none of theſe precedents, how ancient and frequent ſoever. And were the authority of ſuch precedents admitted, the utmoſt that could be inferred is, that the conſtitution of England was, at that time, an inconſiſtent fabric, whoſe jarring and diſcordant parts muſt ſoon deſtroy each other, and from the diſſolution of the old, beget ſome new form of civil government more uniform and conſiſtent.

In the public and avowed conduct of the king and the houſe of commons, throughout this whole reign, there appears ſufficient cauſe of quarrel and mutual diſguſt; yet are we not to imagine, that this was the ſole foundation of that jealouſy which prevailed between them. During debates in the houſe, it often happened, that a particular member, more ardent and zealous than the reſt, would diſplay the higheſt ſentiments of liberty, which the commons contented themſelves to hear with ſilence and ſeeming approbation; and the king, informed of theſe harangues, concluded the whole houſe to be infected with the ſame principles, and to be engaged in a combination againſt his prerogative. The king, on the other hand, though he valued himſelf extremely on his king-craft, and perhaps was not altogether incapable of diſſimulation, ſeems to have been very little endowed with the gift of ſecrecy; but openly, at his table, in all companies, inculcated thoſe monarchical tenets which he had ſo ſtrongly imbibed. Before a numerous audience, he had expreſſed himſelf with great diſparagement of the common law of England, and had given the preference, in the ſtrongeſt terms, to the civil law: And for this indiſcretion he found himſelf obliged to apologize, in a ſpeech to the former parliament [b]. As a ſpecimen of his uſual liberty of talk, we may mention a ſtory, though it paſſed ſome time after,

[b] K James's Works, p. 532.

which

which we meet with in the life of Waller, and which that poet uſed frequently to repeat. When Waller was young, he had the curioſity to go to court; and he ſtood in the circle, and ſaw James dine; where, among other company, there ſat at table two biſhops, Neile and Andrews. The king propoſed aloud this queſtion, Whether he might not take his ſubjects money, when he needed it, without all this formality of parliament? Neile replied, *God forbid you ſhould not: For you are the breath of our noſtrils.* Andrews declined anſwering, and ſaid, he was not ſkilled in parliamentary caſes: But upon the king's urging him, and ſaying he would admit of no evaſion, the biſhop replied pleaſantly: *Why then I think your majeſty may lawfully take my brother Neile's money: For he offers it*[c]. CHAP. XLVII. 1614.

THE favourite had hitherto eſcaped the enquiry of juſtice; but he had not eſcaped that ſtill voice which can make itſelf be heard amidſt all the hurry and flattery of a court, and aſtoniſhes the criminal with a juſt repreſentation of his moſt ſecret enormities. Conſcious of the murder of his friend, Somerſet received ſmall conſolation from the enjoyments of love, or the utmoſt kindneſs and indulgence of his ſovereign. The graces of his youth gradually diſappeared, the gaiety of his manners was obſcured, his politeneſs and obliging behaviour were changed into ſullenneſs and ſilence. And the king, whoſe affections had been engaged by theſe ſuperficial accompliſhments, began to eſtrange himſelf from a man who no longer contributed to his amuſement. 1615. Somerſet's fall.

THE ſagacious courtiers obſerved the firſt ſymptoms of this diſguſt: Somerſet's enemies ſeized the opportunity, and offered a new minion to the king. George Villiers, a youth of one-and-twenty, younger brother of a good

[c] Preface to Waller's Works.

family,

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family, returned at this time from his travels, and was remarked for the advantages of a handſome perſon, genteel air, and faſhionable apparel. At a comedy he was purpoſely placed full in James's eye, and immediately engaged the attention, and, in the ſame inſtant, the affections, of that monarch [d]. Aſhamed of his ſudden attachment, the king endeavoured, but in vain, to conceal the partiality which he felt for the handſome ſtranger; and he employed all his profound politics to fix him in his ſervice, without ſeeming to deſire it. He declared his reſolution not to confer any office on him, unleſs entreated by the queen; and he pretended, that it ſhould only be in complaiſance to her choice he would agree to admit him near his perſon. The queen was immediately applied to; but ſhe, well knowing the extreme to which the king carried theſe attachments, refuſed, at firſt, to lend her countenance to this new paſſion. It was not till entreated by Abbot, archbiſhop of Canterbury, a decent prelate, and one much prejudiced againſt Somerſet, that ſhe would condeſcend to oblige her huſband, by aſking this favour of him [e]. And the king, thinking now that all appearances were fully ſaved, no longer conſtrained his affection, but immediately beſtowed the office of cupbearer on young Villiers.

THE whole court was thrown into parties between the two minions; while ſome endeavoured to advance the riſing fortunes of Villiers, others deemed it ſafer to adhere to the eſtabliſhed credit of Somerſet. The king himſelf, divided between inclination and decorum, encreaſed the doubt and ambiguity of the courtiers; and the ſtern jealouſy of the old favourite, who refuſed every advance of friendſhip from his rival, begat perpetual quarrels between their ſeveral partizans. But the diſco-

[d] Franklyn, p. 50. Kennet, vol. ii. p. 698, Ruſh. vol. i. p. 456.

[e] Coke, p. 46, 47.

very

very of Somerſet's guilt in the murder of Overbury, at laſt decided the controverſy, and expoſed him to the ruin and infamy which he ſo well merited. CHAP. XLVII. 1615.

An apothecary's 'prentice, who had been employed in making up the poiſons, having retired to Fluſhing, began to talk very freely of the whole ſecret; and the affair at laſt came to the ears of Trumbal, the king's envoy in the Low Countries. By his means, Sir Ralph Winwood, ſecretary of ſtate, was informed; and he immediately carried the intelligence to James. The king, alarmed and aſtoniſhed to find ſuch enormous guilt in a man whom he had admitted into his boſom, ſent for Sir Edward Coke, chief juſtice, and earneſtly recommended to him the moſt rigorous and unbiaſſed ſcrutiny. This injunction was executed with great induſtry and ſeverity: The whole labyrinth of guilt was carefully unravelled: The leſſer criminals, Sir Jervis Elvis, lieutenent of the Tower, Franklin, Weſton, Mrs. Turner, were firſt tried and condemned: Somerſet and his counteſs were afterwards found guilty: Northampton's death, a little before, had ſaved him from a like fate.

It may not be unworthy of remark, that Coke, in the trial of Mrs. Turner, told her that ſhe was guilty of the ſeven deadly ſins: She was a whore, a bawd, a ſorcerer, a witch, a papiſt, a felon, and a murderer [f]. And, what may more ſurpriſe us, Bacon, then attorney-general, took care to obſerve, that poiſoning was a popiſh trick [g]. Such were the bigoted prejudices which prevailed: Poiſoning was not, of itſelf, ſufficiently odious, if it were not repreſented as a branch of popery. Stowe tells us, that when the king came to Newcaſtle, on his firſt entry into England, he gave liberty to all the priſoners, except thoſe who were confined for treaſon, murder, and *papiſtry*. When one conſiders theſe circum-

[f] State Trials, vol. i. p. 230. [g] Ibid. vol. i. p. 242.

ſtances,

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ſtances, that furious bigotry of the catholics which broke out in the Gunpowder conſpiracy, appears the leſs ſurpriſing.

All the accomplices in Overbury's murder received the puniſhment due to their crime: But the king beſtowed a pardon on the principals, Somerſet and the counteſs. It muſt be confeſſed, that James's fortitude had been highly laudable, had he perſiſted in his firſt intention of conſigning over to ſevere juſtice all the criminals: But let us ſtill beware of blaming him too harſhly, if, on the approach of the fatal hour, he ſcrupled to deliver into the hands of the executioner, perſons whom he had once favoured with his moſt tender affections. To ſoften the rigour of their fate, after ſome years impriſonment, he reſtored them to their liberty, and conferred on them a penſion, with which they retired, and languiſhed out old age in infamy and obſcurity. Their guilty loves were turned into the moſt deadly hatred; and they paſſed many years together in the ſame houſe, without any intercourſe or correſpondence with each other [h].

Several hiſtorians [i], in relating theſe events, have inſiſted much on the diſſimulation of James's behaviour, when he delivered Somerſet into the hands of the chief juſtice; on the inſolent menaces of that criminal; on his peremptory refuſal to ſtand a trial; and on the extreme anxiety of the king during the whole progreſs of this affair. Allowing all theſe circumſtances to be true, of which ſome are ſuſpicious, if not palpably falſe [k], the great remains of tenderneſs which James ſtill felt for Somerſet, may, perhaps, be ſufficient to account for them. That favourite was high-ſpirited, and reſolute rather to periſh, than live under the infamy to which he was expoſed. James was ſenſible, that the pardoning of ſo great

[h] Kennet, p. 699. [i] Coke, Weldon, &c. [k] See Biog. Brit. article Coke, p 1384.

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a criminal, which was of itſelf invidious, would become ſtill more unpopular, if his obſtinate and ſtubborn behaviour on his trial ſhould augment the public hatred againſt him [l]. At leaſt, the unreſerved confidence in which the king had indulged his favourite for ſeveral years, might render Somerſet maſter of ſo many ſecrets, that it is impoſſible, without farther light, to aſſign the particular reaſon of that ſuperiority, which, it is ſaid, he appeared ſo much to aſſume.

Riſe of Buckingham.

THE fall of Somerſet, and his baniſhment from court, opened the way for Villiers to mount up at once to the full height of favour, of honours, and of riches. Had James's paſſion been governed by common rules of prudence, the office of cup-bearer would have attached Villiers to his perſon, and might well have contented one of his age and family; nor would any one, who was not cynically auſtere, have much cenſured the ſingularity of the king's choice in his friends and favourites. But ſuch advancement was far inferior to the fortune which he intended for his minion. In the courſe of a few years, he created him viſcount Villiers, earl, marquis, and duke of Buckingham, knight of the garter, maſter of the horſe, chief juſtice in eyre, warden of the cinque ports, maſter of the king's-bench office, ſteward of Weſtminſter, conſtable of Windſor, and lord high admiral of England [m]. His mother obtained the title of counteſs of Buckingham: His brother was created viſcount Purbeck; and a numerous train of needy relations were all puſhed up into credit and authority. And thus the fond prince, while he meant to play the tutor to his favourite, and to train him up in the rules of prudence and politics, took an infallible method, by loading him with prema-

[l] Bacon, vol. iv. 617.

[m] Franklyn, p. 30. Clarendon, 8vo edit. vol. i. p. 10.

ture

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ture and exorbitant honours, to render him, for ever, raſh, precipitate, and inſolent.

1616. A YOUNG minion to gratify with pleaſure, a neceſſitous family to ſupply with riches, were enterprizes too great for the empty exchequer of James. In order to obtain a little money, the cautionary towns muſt be delivered up to the Dutch; a meaſure which has been ſeverely blamed by almoſt all hiſtorians; and I may venture to affirm, that it has been cenſured much beyond its real weight and importance.

Cautionary towns delivered.

WHEN queen Elizabeth advanced money for the ſupport of the infant republic, beſides the view of ſecuring herſelf againſt the power and ambition of Spain, ſhe ſtill reſerved the proſpect of reimburſement; and ſhe got conſigned into her hands the three important fortreſſes of Fluſhing, the Brille, and Rammekins, as pledges for the money due to her. Indulgent to the neceſſitous condition of the ſtates, ſhe agreed that the debt ſhould bear no intereſt; and ſhe ſtipulated, that if ever England ſhould make a ſeparate peace with Spain, ſhe ſhould pay the troops which garriſoned thoſe fortreſſes [n].

AFTER the truce was concluded between Spain and the United Provinces, the ſtates made an agreement with the king, that the debt, which then amounted to 800,000 pounds, ſhould be diſcharged by yearly payments of 40,000 pounds; and as five years had elapſed, the debt was now reduced to 600,000 pounds; and in fifteen years more, if the truce were renewed, it would be finally extinguiſhed [o]. But of this ſum, 26,000 pounds a-year were expended on the pay of the garriſons: The remainder alone accrued to the king: And the ſtates, weighing

[n] Rymer, tom. xvi p. 341. Winwood, vol. ii. p. 351.

[o] Sir Dudley Carleton's Letters, p. 27, 28.

theſe circumſtances, thought, that they made James a very advantageous offer, when they expreſſed their willingneſs, on the ſurrender of the cautionary towns, to pay him immediately 250,000 pounds, and to incorporate the Engliſh garriſons in their army. It occurred alſo to the king, that even the payment of the 40,000 pounds a-year was precarious, and depended on the accident that the truce ſhould be renewed between Spain and the republic: If war broke out, the maintenance of the garriſons lay upon England alone; a burthen very uſeleſs and too heavy for the ſlender revenues of that kingdom: That even during the truce, the Dutch, ſtraitened by other expences, were far from being regular in their payments; and the garriſons were at preſent in danger of mutinying for want of ſubſiſtence: That the annual ſum of 14,000 pounds, the whole ſaving on the Dutch payments, amounted, in fifteen years, to no more than 210,000 pounds; whereas 250,000 pounds were offered immediately, a larger ſum, and if money be computed at ten per cent. the current intereſt, more than double the ſum to which England was entitled[P]: That if James waited till the whole debt were diſcharged, the troops, which compoſed the garriſons, remained a burthen upon him, and could not be broken, without receiving ſome conſideration for their paſt ſervices: That the cautionary towns were only a temporary reſtraint upon the Hollanders; and in the preſent emergence, the conjunction of intereſt between England and the republic was ſo intimate as to render all other ties ſuperfluous; and no reaſonable meaſures for mutual ſupport would be wanting from the Dutch, even

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[P] An annuity of 14,000 pounds during fifteen years, money being at 10 per cent. is worth on computation only 106,500 pounds, whereas the king received 250,000: Yet the bargain was good for the Dutch, as well as the king, becauſe they were both of them freed from the maintenance of uſeleſs garriſons.

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1616. though freed from the dependence of theſe garriſons: That the exchequer of the republic was at preſent very low, inſomuch that they found difficulty, now that the aids of France were withdrawn, to maintain themſelves in that poſture of defence, which was requiſite during the truce with Spain: And that the Spaniards were perpetually inſiſting with the king on the reſtitution of theſe towns, as belonging to their crown; and no cordial alliance could ever be made with that nation, while they remained in the hands of the Engliſh [q]. Theſe reaſons, together with his urgent wants, induced the king to accept of Caron's offer; and he evacuated the cautionary towns, which held the States in a degree of ſubjection, and which an ambitious and enterprizing prince would have regarded as his moſt valuable poſſeſſions. This is the date of the full liberty of the Dutch commonwealth.

6th June.

1617. Affairs of Scotland.

WHEN the crown of England devolved on James, it might have been foreſeen by the Scottiſh nation, that the independence of their kingdom, the object for which their anceſtors had ſhed ſo much blood, would now be loſt; and that, if both ſtates perſevered in maintaining ſeparate laws and parliaments, the weaker would more ſenſibly feel the ſubjection, than if it had been totally ſubdued by force of arms. But theſe views did not generally occur. The glory of having given a ſovereign to their powerful enemy, the advantages of preſent peace and tranquillity, the riches acquired from the munificence of their maſter; theſe conſiderations ſecured their dutiful obedience to a prince, who daily gave ſuch ſenſible proofs of his friendſhip and partiality towards them. Never had the authority of any king, who reſided among them,

[q] Ruſhworth, vol. i. p. 3.

been

been so firmly established as was that of James, even when absent; and as the administration had been hitherto conducted with great order and tranquillity, there had happened no occurrence to draw thither our attention. But this summer, the king was resolved to pay a visit to his native country, in order to renew his ancient friendships and connections, and to introduce that change of ecclesiastical discipline and government, on which he was extremely intent. The three chief points of this kind, which James proposed to accomplish by his journey to Scotland, were the enlarging of episcopal authority, the establishing of a few ceremonies in public worship, and the fixing of a superiority in the civil above the ecclesiastical jurisdiction. CHAP. XLVII. 1617. May.

But it is an observation, suggested by all history, and by none more than by that of James and his successor, that the religious spirit, when it mingles with faction, contains in it something supernatural and unaccountable; and that, in its operations upon society, effects correspond less to their known causes than is found in any other circumstance of government. A reflection, which may, at once, afford a source of blame against such sovereigns as lightly innovate in so dangerous an article, and of apology for such, as being engaged in an enterprize of that nature, are disappointed of the expected event, and fail in their undertakings.

When the Scottish nation was first seized with that zeal for reformation, which, though it caused such disturbance during the time, has proved so salutary in the consequences; the preachers, assuming a character little inferior to the prophetic or apostolical, disdained all subjection to the spiritual rulers of the church, by whom their innovations were punished and opposed. The revenues of the dignified clergy, no longer consi-

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dered as ſacred, were either appropriated by the preſent poſſeſſors, or ſeized by the more powerful barons; and what remained, after mighty dilapidations, was, by act of parliament, annexed to the crown. The prelates, however, and abbots, maintained their temporal juriſdictions and their ſeats in parliament; and though laymen were ſometimes endowed with eccleſiaſtical titles, the church, notwithſtanding its frequent proteſtations to the contrary, was ſtill ſuppoſed to be repreſented by thoſe ſpiritual lords, in the ſtates of the kingdom. After many ſtruggles, the king, even before his acceſſion to the throne of England, had acquired ſufficient influence over the Scottiſh clergy, to extort from them an acknowledgment of the parliamentary juriſdiction of biſhops; though attended with many precautions, in order to ſecure themſelves againſt the ſpiritual encroachments of that order[o]. When king of England, he engaged them, though ſtill with great reluctance on their part, to advance a ſtep farther, and to receive the biſhops as perpetual preſidents or moderators in their eccleſiaſtical ſynods; reiterating their proteſtations againſt all ſpiritual juriſdiction of the prelates, and all controuling power over the preſbyters[p]. And by ſuch gradual innovations, the king flattered himſelf, that he ſhould quietly introduce epiſcopal authority: But as his final ſcope was fully ſeen from the beginning, every new advance gave freſh occaſion of diſcontent, and aggravated, inſtead of ſoftening, the abhorrence entertained againſt the prelacy.

WHAT rendered the king's aim more apparent, were the endeavours, which, at the ſame time, he uſed to introduce into Scotland ſome of the ceremonies of the church of England: The reſt, it was eaſily foreſeen, would ſoon follow. The fire of devotion, excited by

[o] 1598. [p] 1606.

novelty,

novelty, and inflamed by oppoſition, had ſo poſſeſſed the minds of the Scottiſh reformers, that all rites and ornaments, and even order of worſhip, were diſdainfully rejected as uſeleſs burthens; retarding the imagination in its rapturous ecſtacies, and cramping the operations of that divine ſpirit, by which they ſuppoſed themſelves to be animated. A mode of worſhip was eſtabliſhed, the moſt naked and moſt ſimple imaginable; one that borrowed nothing from the ſenſes; but repoſed itſelf entirely on the contemplation of that divine eſſence, which diſcovers itſelf to the underſtanding only. This ſpecies of devotion, ſo worthy of the ſupreme Being, but ſo little ſuitable to human frailty, was obſerved to occaſion great diſturbances in the breaſt, and in many reſpects to confound all rational principles of conduct and behaviour. The mind, ſtraining for theſe extraordinary raptures, reaching them by ſhort glances, ſinking again under its own weakneſs, rejecting all exterior aid of pomp and ceremony, was ſo occupied in this inward life, that it fled from every intercourſe of ſociety, and from every cheerful amuſement, which could ſoften or humanize the character. It was obvious to all diſcerning eyes, and had not eſcaped the king's, that, by the prevalence of fanaticiſm, a gloomy and ſullen diſpoſition eſtabliſhed itſelf among the people; a ſpirit, obſtinate and dangerous; independent and diſorderly; animated equally with a contempt of authority, and a hatred to every other mode of religion, particularly to the catholic. In order to mellow theſe humours, James endeavoured to infuſe a ſmall tincture of ceremony into the national worſhip, and to introduce ſuch rites as might, in ſome degree, occupy the mind, and pleaſe the ſenſes, without departing too far from that ſimplicity, by which the reformation was diſtinguiſhed. The finer arts too, though ſtill rude in theſe northern

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kingdoms, were employed to adorn the churches; and the king's chapel, in which an organ was erected, and ſome pictures and ſtatues diſplayed, was propoſed as a model to the reſt of the nation. But muſic was grating to the prejudiced ears of the Scottiſh clergy; ſculpture and painting appeared inſtruments of idolatry; the ſurplice was a rag of popery; and every motion or geſture, preſcribed by the liturgy, was a ſtep towards that ſpiritual Babylon, ſo much the object of their horror and averſion. Every thing was deemed impious, but their own myſtical comments on the Scriptures, which they idolized, and whoſe eaſtern prophetic ſtyle they employed in every common occurrence.

IT will not be neceſſary to give a particular account of the ceremonies which the king was ſo intent to eſtabliſh. Such inſtitutions, for a time, are eſteemed either too divine to have proceeded from any other being than the ſupreme Creator of the univerſe, or too diabolical to have been derived from any but an infernal demon. But no ſooner is the mode of the controverſy paſt, than they are univerſally diſcovered to be of ſo little importance, as ſcarcely to be mentioned with decency amidſt the ordinary courſe of human tranſactions. It ſuffices here to remark, that the rites introduced by James regarded the kneeling at the ſacrament, private communion, private baptiſm, confirmation of children, and the obſervance of Chriſtmas and other feſtivals [q]. The acts, eſtabliſhing theſe ceremonies, were afterwards known by the name of the articles of Perth, from the place where they were ratified by the aſſembly.

A CONFORMITY of diſcipline and worſhip between the churches of England and Scotland, which was James's aim, he never could hope to eſtabliſh, but by firſt pro-

[q] Franklyn, p. 25. Spotſwood.

curing

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curing an acknowledgment of his own authority in all ſpiritual cauſes; and nothing could be more contrary to the practice as well as principles of the preſbyterian clergy. The eccleſiaſtical courts poſſeſſed the power of pronouncing excommunication; and that ſentence, beſides the ſpiritual conſequences ſuppoſed to follow from it, was attended with immediate effects of the moſt important nature. The perſon excommunicated was ſhunned by every one as profane and impious; and his whole eſtate, during his life-time, and all his moveables, for ever, were forfeited to the crown. Nor were the previous ſteps, requiſite before pronouncing this ſentence, formal or regular, in proportion to the weight of it. Without accuſer, without ſummons, without trial, any eccleſiaſtical court, however inferior, ſometimes pretended, in a ſummary manner, to denounce excommunication, for any cauſe, and againſt any perſon, even though he lived not within the bounds of their juriſdiction [r]. And, by this means, the whole tyranny of the inquiſition, though without its order, was introduced into the kingdom.

But the clergy were not content with the unlimited juriſdiction, which they exerciſed in eccleſiaſtical matters; They aſſumed a cenſorial power over every part of adminiſtration; and, in all their ſermons, and even prayers, mingling politics with religion, the inculcated the moſt ſeditious and moſt turbulent principles. Black, miniſter of St. Andrews, went ſo far [s], in a ſermon, as to pronounce all kings the devil's children; he gave the queen of England the appellation of atheiſt; he ſaid, that the treachery of the king's heart was now fully diſcovered; and in his prayers for the queen he uſed theſe words; *We muſt pray for her for the faſhion's ſake, but we*

[r] Spotſwood. [s] 1596.

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have no cauſe: She will never do us any good. When ſummoned before the privy council, he refuſed to anſwer to a civil court for any thing delivered from the pulpit, even though the crime, of which he was accuſed, was of a civil nature. The church adopted his cauſe. They raiſed a ſedition in Edinburgh [t]. The king, during ſome time, was in the hands of the enraged populace; and it was not without courage, as well as dexterity, that he was able to extricate himſelf [u]. A few days after, a miniſter, preaching in the principal church of that capital, ſaid, that the king was poſſeſſed with a devil; and, that one devil being expelled, ſeven worſe had entered in his place [x]. To which he added, that the ſubjects might lawfully riſe, and take the ſword out of his hand. Scarcely, even during the darkeſt night of papal ſuperſtition, are there found ſuch inſtances of prieſtly encroachments, as the annals of Scotland preſent to us during that period.

By theſe extravagant ſtretches of power, and by the patient conduct of James, the church began to loſe ground, even before the king's acceſſion to the throne of England: But no ſooner had that event taken place, than he made the Scottiſh clergy ſenſible, that he was become the ſovereign of a great kingdom, which he governed with great authority. Though formerly he would have thought himſelf happy to have made a fair partition with them of the civil and eccleſiaſtical authority, he was now reſolved to exert a ſupreme juriſdiction in church as well as ſtate, and to put an end to their ſeditious practices. An aſſembly had been ſummoned at Aberdeen [y]: but, on account of his journey to London, he prorogued it to the year following. Some of the clergy, diſavow-

[t] 17 Dec. 1596. [u] Spotſwood. [x] Ibid.
[y] July 1604.

ing

ing his eccleſiaſtical ſupremacy, met at the time firſt appointed, notwithſtanding his prohibition. He threw them into priſon. Such of them as ſubmitted, and acknowledged their error, were pardoned. The reſt were brought to their trial. They were condemned for high treaſon. The king gave them their lives; but baniſhed them the kingdom. Six of them ſuffered this penalty[z]. CHAP. XLVII. 1617.

THE general aſſembly was afterwards induced[a] to acknowledge the king's authority in ſummoning eccleſiaſtical courts, and to ſubmit to the juriſdiction and viſitation of the biſhops. Even their favourite ſentence of excommunication was declared invalid, unleſs confirmed by the ordinary. The king recommended to the inferior courts the members whom they ſhould elect to this aſſembly; and every thing was conducted in it with little appearance of choice and liberty[b].

BY his own prerogative likewiſe, which he ſeems to have ſtretched on this occaſion, the king erected a court of high commiſſion[c], in imitation of that which was eſtabliſhed in England. The biſhops and a few of the clergy, who had been ſummoned, willingly acknowledged this court; and it proceeded immediately upon buſineſs, as if its authority had been grounded on the full conſent of the whole legiſlature.

BUT James reſerved the final blow for the time when he ſhould himſelf pay a viſit to Scotland. He propoſed to the parliament, which was then aſſembled, that they ſhould enact, that, "whatever his majeſty ſhould deter- "mine in the external government of the church, with "the conſent of the archbiſhops, biſhops, and a compe- "tent number of the miniſtry, ſhould have the force of 13th June.

[z] Spotſwood. [a] 6th June, 1610. [b] Spotſwood.
[c] 15th Feb. 1610.

"law."

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"law[d]." What number ſhould be deemed competent was not determined: And their nomination was left entirely to the king: So that his eccleſiaſtical authority, had this bill paſſed, would have been eſtabliſhed in its full extent. Some of the clergy proteſted. They apprehended, they ſaid, that the purity of their church would, by means of this new authority, be polluted with all the rites and liturgy of the church of England. James, dreading clamour and oppoſition, dropped the bill, which had already paſſed the lords of articles; and aſſerted, that the inherent prerogative of the crown contained more

20th July. power than was recognized by it. Some time after, he called, at St. Andrews, a meeting of the biſhops and thirty-ſix of the moſt eminent clergy. He there declared his reſolution of exerting his prerogative, and of eſtabliſhing, by his own authority, the few ceremonies which he had recommended to them. They entreated him rather to ſummon a general aſſembly, and to gain their aſſent. An aſſembly was accordingly ſummoned to meet on the 25th of November enſuing.

YET this aſſembly, which met after the king's departure from Scotland, eluded all his applications; and it was not till the ſubſequent year, that he was able to procure a vote for receiving his ceremonies. And through every ſtep of this affair, in the parliament as well as in all the general aſſemblies, the nation betrayed the utmoſt reluctance to all theſe innovations; and nothing but James's importunity and authority had extorted a ſeeming conſent, which was belied by the inward ſentiments of all ranks of people. Even the few, over whom religious prejudices were not prevalent, thought national honour ſacrificed by a ſervile imitation of the modes of worſhip

[d] Spotſwood. Franklyn, p. 29.

practiſed

practiſed in England. And every prudent man agreed in condemning the meaſures of the king, who, by an ill-timed zeal for inſignificant ceremonies, had betrayed, though in an oppoſite manner, equal narrowneſs of mind with the perſons whom he treated with ſuch contempt. It was judged, that, had not theſe dangerous humours been irritated by oppoſition; had they been allowed peaceably to evaporate; they would at laſt have ſubſided within the limits of law and civil authority. And that, as all fanatical religions naturally circumſcribe to very narrow bounds the numbers and riches of the eccleſiaſtics; no ſooner is their firſt fire ſpent, than they loſe their credit over the people, and leave them under the natural and beneficent influence of their civil and moral obligations.

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At the ſame time that James ſhocked, in ſo violent a manner, the religious principles of his Scottiſh ſubjects, he acted in oppoſition to thoſe of his Engliſh. He had obſerved, in his progreſs through England, that a judaical obſervance of the Sunday, chiefly by means of the puritans, was every day gaining ground throughout the kingdom, and that the people, under colour of religion, were, contrary to former practice, debarred ſuch ſports and recreations as contributed both to their health and their amuſement[f]. Feſtivals, which, in other nations and ages, are partly dedicated to public worſhip, partly to mirth and ſociety, were here totally appropriated to the offices of religion, and ſerved to nouriſh thoſe ſullen and gloomy contemplations, to which the people were, of themſelves, ſo unfortunately ſubject. The king imagined, that it would be eaſy to infuſe cheerfulneſs into this dark ſpirit of devotion. He iſſued a proclamation to allow and encourage, after divine ſervice, all kinds of

[f] Kennet, p. 709.

lawful

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lawful games and exerciſes; and, by his authority, he endeavoured to give ſanction to a practice, which his ſubjects regarded as the utmoſt inſtance of profaneneſs and impiety [z].

z Franklyn, p. 31. To ſhew how rigid the Engliſh, chiefly the puritans, were become in this particular, a bill was introduced into the houſe of commons, in the 18th of the king, for the more ſtrict obſervance of the Sunday, which they affected to call the Sabbath. One Shepherd oppoſed this bill, objected to the appellation of Sabbath as puritanical, defended dancing by the example of David, and ſeems even to have juſtified ſports on that day. For this profaneneſs he was expelled the houſe, by the ſuggeſtion of Mr. Pym. The houſe of Lords oppoſed ſo far their puritanical ſpirit of the commons, that they propoſed, that the appellation of *Sabbath* ſhould be changed into that of the *Lord's Day*. Journ. 15, 16 Feb. 1620. 28 May 1621. In Shepherd's ſentence, his offence is ſaid by the houſe to be great, exorbitant, unparalleled.

CHAP. XLVIII.

Sir Walter Raleigh's expedition——His execution——Inſurrections in Bohemia——Loſs of the Palatinate——Negociations with Spain——A parliament——Parties——Fall of Bacon——Rupture between the king and the commons——Proteſtation of the commons.

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1618. Sir Walter Raleigh's expedition.

AT the time when Sir Walter Raleigh was firſt confined in the Tower, his violent and haughty temper had rendered him the moſt unpopular man in England; and his condemnation was chiefly owing to that public odium under which he laboured. During the thirteen years impriſonment which he ſuffered, the ſentiments of the nation were much changed with regard to him. Men had leiſure to reflect on the hardſhip, not to ſay injuſtice, of his ſentence; they pitied his active and enterprizing ſpirit, which languiſhed in the rigours of confinement; they were ſtruck with the extenſive genius of the man, who, being educated amidſt naval and military enterprizes, had ſurpaſſed, in the purſuits of literature, even thoſe of the moſt recluſe and ſedentary lives; and they admired his unbroken magnanimity, which, at his age and under his circumſtances, could engage him to undertake and execute ſo great a work as his Hiſtory of the World. To encreaſe theſe favourable diſpoſitions, on which he built the hopes of recovering his liberty, he ſpread the report of a golden mine, which he had diſcovered in Guiana, and which was ſufficient, according to his repreſentation, not only to enrich all the adventurers, but to afford immenſe treaſures to the nation. The king gave

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gave little credit to theſe mighty promiſes; both becauſe he believed that no ſuch mine as the one deſcribed was any-where in nature, and becauſe he conſidered Raleigh as a man of deſperate fortunes, whoſe buſineſs it was, by any means, to procure his freedom, and to reinſtate himſelf in credit and authority. Thinking, however, that he had already undergone ſufficient puniſhment, he releaſed him from the Tower; and when his vaunts of the golden mine had induced multitudes to engage with him, the king gave them permiſſion to try the adventure, and, at their deſire, he conferred on Raleigh authority over his fellow-adventurers. Though ſtrongly ſolicited, he ſtill refuſed to grant him a pardon, which ſeemed a natural conſequence, when he was intruſted with power and command. But James declared himſelf ſtill diffident of Raleigh's intentions; and he meant, he ſaid, to reſerve the former ſentence, as a check upon his future behaviour.

RALEIGH well knew, that it was far from the king's purpoſe to invade any of the Spaniſh ſettlements: He therefore firmly denied that Spain had planted any colonies on that part of the coaſt where his mine lay. When Gondomar, the ambaſſador of that nation, alarmed at his preparations, carried complaints to the king, Raleigh ſtill proteſted the innocence of his intentions: And James aſſured Gondomar, that he durſt not form any hoſtile attempt, but ſhould pay with his head for ſo audacious an enterprize. The miniſter, however, concluding that twelve armed veſſels were not fitted out without ſome purpoſe of invaſion, conveyed the intelligence to the court of Madrid, who immediately gave orders for arming and fortifying all their ſettlements, particularly thoſe along the coaſt of Guiana.

WHEN the courage and avarice of the Spaniards and Portugueſe had diſcovered ſo many new worlds, they were

were reſolved to ſhew themſelves ſuperior to the barbarous heathens whom they invaded, not only in arts and arms, but alſo in the juſtice of the quarrel: They applied to Alexander VI. who then filled the papal chair; and he generouſly beſtowed on the Spaniards the whole weſtern, and on the Portugueſe the whole eaſtern part of the globe. The more ſcrupulous proteſtants, who acknowledged not the authority of the Roman pontiff, eſtabliſhed the firſt diſcovery as the foundation of *their* title; and if a pirate or ſea-adventurer of their nation had but erected a ſtick or ſtone on the coaſt, as a memorial of his taking poſſeſſion, they concluded the whole continent to belong to them, and thought themſelves intitled to expel or exterminate, as uſurpers, the ancient poſſeſſors and inhabitants. It was in this manner that Sir Walter Raleigh, about twenty-three years before, had acquired to the crown of England a claim to the continent of Guiana, a region as large as the half of Europe; and though he had immediately left the coaſt, yet he pretended that the Engliſh title to the whole remained certain and indefeazable. But it had happened in the mean time, that the Spaniards, not knowing, or not acknowledging this imaginary claim, had taken poſſeſſion of a part of Guiana, had formed a ſettlement on the river Oronooko, had built a little town called St. Thomas, and were there working ſome mines of ſmall value.

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To this place Raleigh directly bent his courſe; and, remaining himſelf at the mouth of the river with five of the largeſt ſhips, he ſent up the reſt to St. Thomas, under the command of his ſon, and of Captain Keymis, a perſon entirely devoted to him. The Spaniards, who had expected this invaſion, fired on the Engliſh at their landing, were repulſed, and purſued into the town. Young Raleigh, to encourage his men, called out, *That this was the true mine, and none but fools looked for any other*; and advancing

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advancing upon the Spaniards, received a ſhot, of which he immediately expired. This diſmayed not Keymis and the others. They carried on the attack; got poſſeſſion of the town, which they afterwards reduced to aſhes; and found not in it any thing of value.

RALEIGH did not pretend, that he had himſelf ſeen the mine, which he had engaged ſo many people to go in queſt of: It was Keymis, he ſaid, who had formerly diſcovered it, and had brought him that lump of ore, which promiſed ſuch immenſe treaſures. Yet Keymis, who owned that he was within two hours' march of the place, refuſed, on the moſt abſurd pretences, to take any effectual ſtep towards finding it; and he returned immediately to Raleigh, with the melancholy news of his ſon's death, and the ill ſucceſs of the enterprize. Senſible to reproach, and dreading puniſhment for his behaviour, Keymis, in deſpair, retired into his cabin, and put an end to his own life.

THE other adventurers now concluded, that they were deceived by Raleigh; that he never had known of any ſuch mine as he pretended to go in ſearch of; that his intention had ever been to plunder St. Thomas; and having encouraged his company by the ſpoils of that place, to have thence proceeded to the invaſion of the other Spaniſh ſettlements; that he expected to repair his ruined fortunes by ſuch daring enterprizes; and that he truſted to the money he ſhould acquire, for making his peace with England; or if that view failed him, that he purpoſed to retire into ſome other country, where his riches would ſecure his retreat.

THE ſmall acquiſitions, gained by the ſack of St. Thomas, diſcouraged Raleigh's companions from entering into theſe views; though there were many circumſtances in the treaty and late tranſactions, between the nations,

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ſtations, which might invite them to engage in ſuch a piratical war againſt the Spaniards.

When England made peace with Spain, the example of Henry IV. was imitated, who, at the treaty of Vervins, finding a difficulty in adjuſting all queſtions with regard to the Indian trade, had agreed to paſs over that article in total ſilence. The Spaniards having, all along, publiſhed ſevere edicts againſt the intercourſe of any European nation with their colonies, interpreted this ſilence in their own favour, and conſidered it as a tacit acquieſcence of England in the eſtabliſhed laws of Spain. The Engliſh, on the contrary, pretended, that, as they had never been excluded by any treaty from commerce with any part of the king of Spain's dominions, it was ſtill as lawful for them to trade with his ſettlements in either Indies, as with his European territories. In conſequence of this ambiguity, many adventurers from England ſailed to the Spaniſh Indies, and met with ſevere puniſhment when caught; as they, on the other hand, often ſtole, and, when ſuperior in power, forced a trade with the inhabitants, and reſiſted, nay ſometimes plundered, the Spaniſh governors. Violences of this nature, which had been carried to a great height on both ſides, it was agreed to bury in total oblivion; becauſe of the difficulty which was found in remedying them, upon any fixed principles.

But as there appeared a great difference between private adventurers in ſingle ſhips, and a fleet acting under a royal commiſſion, Raleigh's companions thought it ſafeſt to return immediately to England, and carry him along with them to anſwer for his conduct. It appears that he employed many artifices, firſt to engage them to attack the Spaniſh ſettlements, and, failing of that, to make his eſcape into France: But all theſe proving unſucceſsful, he was delivered into the king's hands, and ſtrictly examined, as well as his fellow-adventurers, be-

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fore the privy-council. The council, upon enquiry, found no difficulty in pronouncing, that the former ſuſpicions, with regard to Raleigh's intentions, had been well grounded; that he had abuſed the king in the repreſentations which he had made of his projected adventure; that, contrary to his inſtructions, he had acted in an offenſive and hoſtile manner againſt his majeſty's allies; and that he had wilfully burned and deſtroyed a town belonging to the king of Spain. He might have been tried, either by common law for this act of violence and piracy, or by martial law for breach of orders: But it was an eſtabliſhed principle among lawyers [g], that as he lay under an actual attainder for high-treaſon, he could not be brought to a new trial for any other crime. To ſatisfy, therefore, the court of Spain, which raiſed the loudeſt complaints againſt him, the king made uſe of that power which he had purpoſely reſerved in his own hands, and ſigned the warrant for his execution upon his former ſentence [h].

RALEIGH, finding his fate inevitable, collected all his courage: And though he had formerly made uſe of many mean artifices, ſuch as feigning madneſs, ſickneſs, and a variety of diſeaſes, in order to protract his examination, and procure his eſcape, he now reſolved to act his part with bravery and reſolution. *'Tis a ſharp remedy*, he ſaid, *but a ſure one for all ills*, when he felt the edge of the ax by which he was to be beheaded [i]. His harangue to the people was calm and eloquent; and he endeavoured to revenge himſelf, and to load his enemies with the public hatred, by ſtrong aſſeverations of facts, which, to ſay the leaſt, may be eſteemed very doubtful [k]. With the utmoſt

[g] See this matter diſcuſſed in Bacon's Letters, publiſhed by Dr. Birch, p. 181. [h] See note [I] at the end of the volume. [i] Franklyn, p. 32.

[k] He aſſerted in the moſt ſolemn manner, that he had no wife contributed to Eſſex's death: But the laſt letter in Murdeo's Collection contains the ſtrongeſt proof of the contrary.

indifference,

indifference, he laid his head upon the block, and received the fatal blow. And in his death there appeared the ſame great, but ill-regulated mind, which, during his life, had diſplayed itſelf in all his conduct and behaviour.

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1618. 29th Octob. Raleigh's execution.

No meaſure of James's reign was attended with more public diſſatisfaction than the puniſhment of Sir Walter Raleigh. To execute a ſentence which was originally ſo hard, which had been ſo long ſuſpended, and which ſeemed to have been tacitly pardoned, by conferring on him a new truſt and commiſſion, was deemed an inſtance of cruelty and injuſtice. To ſacrifice, to a concealed enemy of England, the life of the only man in the nation who had a high reputation for valour and military experience, was regarded as meanneſs and indiſcretion: And the intimate connexions which the king was now entering into with Spain, being univerſally diſtaſteful, rendered this proof of his complaiſance ſtill more invidious and unpopular.

JAMES had entertained an opinion, which was peculiar to himſelf, and which had been adopted by none of his predeceſſors, that any alliance, below that of a great king, was unworthy of a prince of Wales; and he never would allow any princeſs but a daughter of France or Spain to be mentioned as a match for his ſon[1]. This inſtance of pride, which really implies meanneſs, as if he could receive honour from any alliance, was ſo well known, that Spain had founded on it the hopes of governing, in the moſt important tranſactions, this monarch, ſo little celebrated for politics or prudence. During the life of Henry, the king of Spain had dropped ſome hints of beſtowing on that prince his eldeſt daughter, whom he afterwards diſpoſed of in marriage to the young king of France, Lewis XIII. At that time the views of

[1] Kennet, p. 703. 748.

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the Spaniards were to engage James into a neutrality with regard to the ſucceſſion of Cleves, which was diſputed between the proteſtant and popiſh line[m]: But the bait did not then take; and James, in conſequence of his alliance with the Dutch, and with Henry IV. of France, marched[n] 4000 men, under the command of Sir Edward Cecil, who joined theſe two powers, and put the marquis of Brandenburgh and the palatine of Newbourg in poſſeſſion of that dutchy.

GONDOMAR was, at this time, the Spaniſh ambaſſador in England; a man whoſe flattery was the more artful, becauſe covered with the appearance of frankneſs and ſincerity; whoſe politics were the more dangerous, becauſe diſguiſed under the maſk of mirth and pleaſantry. He now made offer of the ſecond daughter of Spain to prince Charles; and, that he might render the temptation irreſiſtible to the neceſſitous monarch, he gave hopes of an immenſe fortune, which ſhould attend the princeſs. The court of Spain, though determined to contract no alliance with a heretic[o], entered into negociations with James, which they artfully protracted, and, amidſt every diſappointment, they ſtill redoubled his hopes of ſucceſs[p]. The tranſactions in Germany, ſo important to the Auſtrian greatneſs, became every day a new motive for this duplicity of conduct.

Inſurrections in Bohemia.

IN that great revolution of manners which happened during the ſixteenth and the ſeventeenth centuries, the only nations who had the honourable, though often melancholy advantage, of making an effort for their expiring privileges, were ſuch as, together with the principles of civil liberty, were animated with a zeal for religious parties and opinions. Beſides the irreſiſtible force of ſtanding armies, the European princes poſſeſſed this

m Ruſhworth, vol. i. p. 2. n 1610. o La Boderie, vol. ii. p. 30. p Franklyn, p. 71.

advantage,

advantage, that they were deſcended from the ancient royal families; that they continued the ſame appellations of magiſtrates, the ſame appearance of civil government; and reſtraining themſelves by all the forms of legal adminiſtration, could inſenſibly impoſe the yoke on their unguarded ſubjects. Even the German nations, who formerly broke the Roman chains, and reſtored liberty to mankind, now loſt their own liberty, and ſaw with grief the abſolute authority of their princes firmly eſtabliſhed among them. In their circumſtances, nothing but a pious zeal, which diſregards all motives of human prudence, could have made them entertain hopes of preſerving any longer thoſe privileges which their anceſtors, through ſo many ages, had tranſmitted to them. CHAP. XLVIII. 1618.

As the houſe of Auſtria, throughout all her extenſive dominions, had ever made religion the pretence for her uſurpations, ſhe now met with reſiſtance from a like principle; and the catholic religion, as uſual, had ranged itſelf on the ſide of monarchy; the proteſtant, on that of liberty. The ſtates of Bohemia, having taken arms againſt the emperor Matthias, continued their revolt againſt his ſucceſſor Ferdinand, and claimed the obſervance of all the edicts enacted in favour of the new religion, together with the reſtoration of their ancient laws and conſtitution. The neighbouring principalities, Sileſia, Moravia, Luſatia, Auſtria, even the kingdom of Hungary, took part in the quarrel; and throughout all theſe populous and martial provinces, the ſpirit of diſcord and civil war had univerſally diffuſed itſelf[q].

FERDINAND II. who poſſeſſed more vigour and greater abilities, though not more lenity and moderation, than are uſual with the Auſtrian princes, ſtrongly armed himſelf for the recovery of his authority; and, beſides employing 1619.

[q] Ruſhworth, vol. i. p. 7, 8.

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1619. the aſſiſtance of his ſubjects, who profeſſed the ancient religion, he engaged on his ſide a powerful alliance of the neighbouring potentates. All the catholic princes of the empire had embraced his defence; even Saxony, the moſt powerful of the proteſtant: Poland had declared itſelf in his favour[r]; and, above all, the Spaniſh monarch, deeming his own intereſt cloſely connected with that of the younger branch of his family, prepared powerful ſuccours from Italy, and from the Low-Countries; and he alſo advanced large ſums for the ſupport of Ferdinand and of the catholic religion.

THE ſtates of Bohemia, alarmed at theſe mighty preparations, began alſo to ſolicit foreign aſſiſtance; and, together with that ſupport which they obtained from the evangelical union in Germany, they endeavoured to eſtabliſh connexions with greater princes. They caſt their eyes on Frederic, elector Palatine. They conſidered, that beſides commanding no deſpicable force of his own, he was ſon-in-law to the king of England, and nephew to prince Maurice, whoſe authority was become almoſt abſolute in the United Provinces. They hoped that theſe princes, moved by the connexions of blood, as well as by the tie of their common religion, would intereſt themſelves in all the fortunes of Frederic, and would promote his greatneſs. They therefore made him a tender of their crown, which they conſidered as elective; and the young Palatine, ſtimulated by ambition, without conſulting either James[s] or Maurice, whoſe oppoſition he foreſaw, immediately accepted the offer, and marched all his forces into Bohemia, in ſupport of his new ſubjects.

THE news of theſe events no ſooner reached England, than the whole kingdom was on fire to engage in the quarrel. Scarcely was the ardour greater, with which all the

[r] Ruſhworth, vol. i. p. 13, 14. [s] Frank'yn, p. 49.

ſtates

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ſtates of Europe, in former ages, flew to reſcue the holy land from the dominion of infidels. The nation was, as yet, ſincerely attached to the blood of their monarchs, and they conſidered their connexion with the Palatine, who had married a daughter of England, as very cloſe and intimate. And when they heard of catholics carrying on wars and perſecutions againſt proteſtants, they thought their own intereſt deeply concerned, and regarded their neutrality as a baſe deſertion of the cauſe of God, and of his holy religion. In ſuch a quarrel, they would gladly have marched to the oppoſite extremity of Europe, have plunged themſelves into a chaos of German politics, and have expended all the blood and treaſure of the nation, by maintaining a conteſt with the whole houſe of Auſtria, at the very time, and in the very place, in which it was the moſt potent, and almoſt irreſiſtible.

But James, beſides that his temper was too little enterprizing for ſuch vaſt undertakings, was reſtrained by another motive, which had a mighty influence over him: He refuſed to patronize the revolt of ſubjects againſt their ſovereign. From the very firſt he denied to his ſon-in-law the title of King of Bohemia[t]: He forbade him to be prayed for in the churches under that appellation: And though he owned that he had nowiſe examined the pretenſions, privileges, and conſtitution of the revolted ſtates[u], ſo exalted was his idea of the rights of kings, that he concluded ſubjects muſt ever be in the wrong, when they ſtood in oppoſition to thoſe who had acquired or aſſumed that majeſtic title. Thus, even in meaſures founded on true politics, James intermixed ſo many narrow prejudices, as diminiſhed his authority, and expoſed him to the imputation of weakneſs and of error.

[t] Ruſhworth, vol. i. p. 12, 13.

[u] Franklyn, p. 48.

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MEANWHILE, affairs every where haſtened to a criſis. Ferdinand levied a great force, under the command of the duke of Bavaria and the count of Bucquoy; and advanced upon his enemy in Bohemia. In the Low-Countries, Spinola collected a veteran army of thirty thouſand men. When Edmonds, the king's reſident at Bruſſels, made remonſtrances to the archduke Albert, he was anſwered, that the orders for this armament had been tranſmitted to Spinola from Madrid, and that he alone knew the ſecret deſtination of it. Spinola again told the miniſter, that his orders were ſtill ſealed; but, if Edmonds would accompany him in his march to Coblentz, he would there open them, and give him full ſatisfaction[w]. It was more eaſy to ſee his intentions, than to prevent their ſucceſs. Almoſt at one time, it was known in England that Frederic, being defeated in the great and deciſive battle of Prague, had fled with his family into Holland, and that Spinola had invaded the Palatinate, and, meeting with no reſiſtance, except from ſome princes of the union, and from one Engliſh regiment of 2400 men, commanded by the brave Sir Horace Vere[x], had, in a little time, reduced the greater part of that principality.

Loſs of the Palatinate.

HIGH were now the murmurs and complaints againſt the king's neutrality and unactive diſpoſition. The happineſs and tranquillity of their own country became diſtaſteful to the Engliſh, when they reflected on the grievances and diſtreſſes of their proteſtant brethren in Germany. They conſidered not, that their interpoſition in the wars of the continent, though agreeable to religious zeal, could not, at that time, be juſtified by any ſound maxims of politics; that, however exorbitant the Auſtrian greatneſs, the danger was ſtill too diſtant to give any juſt alarm to England; that mighty reſiſtance

[w] Franklyn, p. 44. Ruſhworth, vol. i. p. 14. Ruſhworth, vol. i. p. 15. Kennet, p. 723.

[x] Ibid. p. 42, 43.

would

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would yet be made by ſo many potent and warlike princes and ſtates in Germany, ere they would yield their neck to the yoke; that France, now engaged to contract a double alliance with the Auſtrian family, muſt neceſſarily be ſoon rouzed from her lethargy, and oppoſe the progreſs of ſo hated a rival; that in the farther advance of conqueſts, even the intereſts of the two branches of that ambitious family muſt interfere, and beget mutual jealouſy and oppoſition; that a land-war, carried on at ſuch a diſtance, would waſte the blood and treaſure of the Engliſh nation, without any hopes of ſucceſs; that a ſea-war, indeed, might be both ſafe and ſucceſsful againſt Spain, but would not affect the enemy in ſuch vital parts as to make them ſtop their career of ſucceſs in Germany, and abandon all their acquiſitions; and that the proſpect of recovering the Palatinate being at preſent deſperate, the affair was reduced to this ſimple queſtion, whether peace and commerce with Spain, or the uncertain hopes of plunder and of conqueſt in the Indies, were preferable? a queſtion which, at the beginning of the king's reign, had already been decided, and perhaps with reaſon, in favour of the former advantages.

Negociations with Spain.

JAMES might have defended his pacific meaſures by ſuch plauſible arguments: But theſe, though the chief, ſeem not to have been the ſole motives which ſwayed him. He had entertained the notion, that, as his own juſtice and moderation had ſhone out ſo conſpicuouſly throughout all theſe tranſactions, the whole houſe of Auſtria, though not awed by the power of England, would willingly, from mere reſpect to his virtue, ſubmit themſelves to ſo equitable an arbitration. He flattered himſelf that, after he had formed an intimate connexion with the Spaniſh monarch, by means of his ſon's marriage, the reſtitution of the Palatinate might be procured, from the motive alone of friendſhip and perſonal attachment.

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1620. ment. He perceived not, that his unactive virtue, the more it was extolled, the greater diſregard was it expoſed to. He was not ſenſible that the Spaniſh match was itſelf attended with ſuch difficulties, that all his art of negociation would ſcarcely be able to ſurmount them; much leſs, that this match could in good policy be depended on, as the means of procuring ſuch extraordinary advantages. His unwarlike diſpoſition, encreaſed by age, rivetted him ſtill faſter in his errors, and determined him to ſeek the reſtoration of his ſon-in-law, by remonſtrances and entreaties, by arguments and embaſſies, rather than by blood and violence. And the ſame defect of courage which held him in awe of foreign nations, made him likewiſe afraid of ſhocking the prejudices of his own ſubjects, and kept him from openly avowing the meaſures which he was determined to purſue. Or, perhaps, he hoped to turn theſe prejudices to account; and, by their means, engage his people to furniſh him with ſupplies, of which their exceſſive frugality had hitherto made them ſo ſparing and reſerved [y].

A parliament.

He firſt tried the expedient of a benevolence or free-gift from individuals; pretending the urgency of the caſe, which would not admit of leiſure for any other meaſure: But the jealouſy of liberty was now rouzed, and the nation regarded theſe pretended benevolences as real extortions, contrary to law, and dangerous to freedom, however authoriſed by ancient precedent. A parliament was found to be the only reſource which could furniſh any large ſupplies; and writs were accordingly iſſued for ſummoning that great council of the nation [z].

1621. 16th June.

In this parliament there appeared, at firſt, nothing but duty and ſubmiſſion on the part of the commons;

y Franklyn, p. 47. Ruſhworth, vol. i. p. 21.

z See note [K] at the end of the volume.

and

and they ſeemed determined to ſacrifice every thing, in order to maintain a good correſpondence with their prince. They would allow no mention to be made of the new cuſtoms or impoſitions, which had been ſo eagerly diſputed in the former parliament[a]: The impriſonment of the members of that parliament was here, by ſome, complained of; but, by the authority of the graver and more prudent part of the houſe, that grievance was buried in oblivion[b]: And, being informed that the king had remitted ſeveral conſiderable ſums to the Palatine, the commons, without a negative, voted him two ſubſidies[c]; and that too, at the very beginning of the ſeſſion, contrary to the maxims frequently adopted by their predeceſſors. CHAP. XLVIII. 1621.

AFTERWARDS, they proceeded, but in a very temperate manner, to the examination of grievances. They found, that patents had been granted to Sir Giles Mompeſſon and Sir Francis Michel, for licenſing inns and ale-houſes; that great ſums of money had been exacted, under pretext of theſe licences; and that ſuch inn-keepers as preſumed to continue their buſineſs, without ſatisfying the rapacity of the patentees, had been ſeverely puniſhed by fine, impriſonment, and vexatious proſecutions.

THE ſame perſons had alſo procured a patent, which they ſhared with Sir Edward Villiers, brother to Buckingham, for the ſole making of gold and ſilver thread and lace, and had obtained very extraordinary powers for preventing any rivalſhip in theſe manufactures: They were armed with authority to ſearch for all goods, which might interfere with their patent; and even to puniſh, at their own will and diſcretion, the makers, importers, and venders of ſuch commodities. Many had grievouſly ſuffered by this exorbitant juriſdiction; and the lace,

[a] Journ. 5 Dec. 1621. [b] Journ. 12, 16 Feb. 1620. [c] Journ. 16 Feb. 1620.

which

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which had been manufactured by the patentees, was univerſally found to be adulterated, and to be compoſed more of copper than of the precious metals.

THESE grievances the commons repreſented to the king; and they met with a very gracious and very cordial reception. He ſeemed even thankful for the information given him; and declared himſelf aſhamed, that ſuch abuſes, unknowingly to him, had creeped into his adminiſtration. "I aſſure you," ſaid he, "had I before "heard theſe things complained of, I would have done "the office of a juſt king, and out of parliament have "puniſhed them, as ſeverely, and peradventure more, "than you now intend to do [d]." A ſentence was paſſed for the puniſhment of Michel and Mompeſſon [e]. It was executed on the former. The latter broke priſon and eſcaped. Villiers was, at that time, ſent purpoſely on a foreign employment; and his guilt being leſs enormous, or leſs apparent, than that of the others, he was the more eaſily protected by the credit of his brother, Buckingham [f].

Bacon's fall.

ENCOURAGED by this ſucceſs, the commons carried their ſcrutiny, and ſtill with a reſpectful hand, into other abuſes of importance. The great ſeal was, at that time, in the hands of the celebrated Bacon, created Viſcount St. Albans; a man univerſally admired for the greatneſs of his genius, and beloved for the courteouſneſs and humanity of his behaviour. He was the great

[d] Franklyn, p. 51. Ruſhworth, p. 25. [e] Franklyn, p. 52. Ruſhworth, vol. i. p. 27.

[f] Yelverton, the attorney-general, was accuſed by the commons for drawing the patents for theſe monopolies, and for ſupporting them. He apologized for himſelf, that he was forced by Buckingham, and that he ſuppoſed it to be the king's pleaſure. The lords were ſo offended at theſe articles of defence, though neceſſary to the attorney-general, that they fined him 10,000 pounds to the king, 5000 to the duke. The fines, however, were afterward remitted. Franklyn, p. 55. Ruſhworth, vol. i. p. 31, 32, &c.

ornament

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ornament of his age and nation; and nought was wanting to render him the ornament of human nature itſelf, but that ſtrength of mind which might check his intemperate deſire of preferment, that could add nothing to his dignity, and might reſtrain his profuſe inclination to expence, that could be requiſite neither for his honour nor entertainment. His want of œconomy, and his indulgence to ſervants, had involved him in neceſſities; and, in order to ſupply his prodigality, he had been tempted to take bribes, by the title of preſents, and that in a very open manner, from ſuitors in chancery. It appears, that it had been uſual for former chancellors to take preſents; and it is pretended, that Bacon, who followed the ſame dangerous practice, had ſtill, in the ſeat of juſtice, preſerved the integrity of a judge, and had given juſt decrees againſt thoſe very perſons, from whom he had received the wages of iniquity. Complaints roſe the louder on that account, and at laſt reached the houſe of commons, who ſent up an impeachment againſt him to the peers. The chancellor, conſcious of guilt, deprecated the vengeance of his judges, and endeavoured, by a general avowal, to eſcape the confuſion of a ſtricter enquiry. The lords inſiſted on a particular confeſſion of all his corruptions. He acknowledged twenty-eight articles; and was ſentenced to pay a fine of 40,000 pounds, to be impriſoned in the Tower during the king's pleaſure, to be for ever incapable of any office, place, or employment, and never again to ſit in parliament, or come within the verge of the court.

THIS dreadful ſentence, dreadful to a man of nice ſenſibility to honour, he ſurvived five years; and, being releaſed in a little time from the Tower, his genius, yet unbroken, ſupported itſelf amidſt involved circumſtances and a depreſſed ſpirit, and ſhone out in literary productions, which have made his guilt or weakneſſes be forgotten

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gotten or overlooked by poſterity. In conſideration of his great merit, the king remitted his fine, as well as all the other parts of his ſentence, conferred on him a large penſion of 1800 pounds a-year, and employed every expedient to alleviate the weight of his age and misfortunes. And that great philoſopher, at laſt, acknowledged with regret, that he had too long neglected the true ambition of a fine genius; and, by plunging into buſineſs and affairs, which require much leſs capacity, but greater firmneſs of mind, than the purſuits of learning, had expoſed himſelf to ſuch grievous calamities [z].

THE commons had entertained the idea, that they were the great patrons of the people, and that the redreſs of all grievances muſt proceed from them; and to this principle they were chiefly beholden for the regard and conſideration of the public. In the execution of this office, they now kept their ears open to complaints of every kind; and they carried their reſearches into many grievances, which, though of no great importance, could not be touched on, without ſenſibly affecting the king and his miniſters. The prerogative ſeemed every moment to be invaded; the king's authority, in every article, was diſputed; and James, who was willing to correct the abuſes of his power, would not ſubmit to have his power itſelf queſtioned and denied. After the houſe, therefore, had ſitten near ſix months, and had, as yet, brought no conſiderable buſineſs to a full concluſion, the king reſolved, under pretence of the advanced ſeaſon, to interrupt their proceedings; and he ſent them word, that he was determined, in a little time, to adjourn them till next winter. The commons made application to the

z It is thought, that appeals from chancery to the houſe of peers firſt came into practice, while Bacon held the great ſeal. Appeals, under the form of *writs of error*, had long before lain againſt the courts of law. Blackſtone's Commentary, vol. iii. p. 454.

lords,

lords, and desired them to join in a petition for delaying the adjournment; which was refused by the upper house. The king regarded this project of a joint petition as an attempt to force him from his measures: He thanked the peers for their refusal to concur in it, and told them, that, if it were their desire, he would delay the adjournment, but would not so far comply with the request of the lower house[h]. And thus, in these great national affairs, the same peevishness, which, in private altercations, often raises a quarrel from the smallest beginnings, produced a mutual coldness and disgust between the king and the commons.

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During the recess of parliament, the king used every measure to render himself popular with the nation, and to appease the rising ill-humour of their representatives. He had voluntarily offered the parliament to circumscribe his own prerogative, and to abrogate for the future his power of granting monopolies. He now recalled all the patents of that kind, and redressed every article of grievance, to the number of thirty-seven, which had ever been complained of in the house of commons[i]. But he gained not the end which he proposed. The disgust, which had appeared at parting, could not so suddenly be dispelled. He had likewise been so imprudent as to commit to prison Sir Edwin Sandys[k], without any known cause, besides his activity and vigour in discharging his duty as member of parliament. And, above all, the transactions in Germany were sufficient, when joined to the king's cautions, negociations, and delays, to inflame that jealousy of honour and religion which prevailed throughout the nation[l]. This summer, the ban of the empire had been published

Rupture between the king and the commons.

[h] Rushworth, vol. i. p. 35. [i] Ibid. vol. i. p. 36. Kennet, p. 733. [k] Journ. 1 Dec. 1621.

[l] To show to what degree the nation was inflamed with regard to the Palatinate, there occurs a remarkable story this session. One Floyd, a prisoner in the Fleet, a catholic, had dropped some expressions, in private conversation, as if

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published against the elector Palatine; and the execution of it was committed to the duke of Bavaria[m]. The Upper Palatinate was, in a little time, conquered by that prince; and measures were taking in the empire for bestowing on him the electoral dignity, of which the Palatine was despoiled. Frederic now lived with his numerous family, in poverty and distress, either in Holland or at Sedan, with his uncle the duke of Boüillon. And throughout all the new conquests, in both the Palatinates, as well as in Bohemia, Austria, and Lusatia, the progress of the Austrian arms was attended with rigours and severities, exercised against the professors of the reformed religion.

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14th Nov. The zeal of the commons immediately moved them, upon their assembling, to take all these transactions into consideration. They framed a remonstrance, which they intended to carry to the king. They represented, that the enormous growth of the Austrian power threatened the liberties of Europe; that the progress of the catholic religion in England bred the most melancholy apprehensions, lest it should again acquire an ascendant in the kingdom; that the indulgence of his majesty towards the professors of that religion had encouraged their insolence and temerity; that the uncontrouled conquests, made by the Austrian family in Germany, raised mighty expectations in the English papists; but above all, that the prospect of the Spanish match elevated them so far as to

if he were pleased with the misfortunes of the Palatine and his wife. The commons were in a flame; and pretending to be a court of judicature and of record, proceeded to condemn him to a severe punishment. The house of lords checked this encroachment; and, what was extraordinary, considering the present humour of the lower house, the latter acquiesced in the sentiments of the peers. This is almost the only pretension of the English commons, in which they have not prevailed. Happily for the nation, they have been successful in almost all their other claims. See Parliamentary History, vol. vi. p 428, 429. &c. Journ. 4, 8, 12 May, 1621.

[m] Franklyn, p. 73.

hope

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hope for an entire toleration, if not the final re-eſtabliſhment of their religion. The commons, therefore, entreated his majeſty, that he would immediately undertake the defence of the Palatine, and maintain it by force of arms; that he would turn his ſword againſt Spain, whoſe armies and treaſures were the chief ſupport of the catholic intereſt in Europe; that he would enter into no negociation for the marriage of his ſon but with a proteſtant princeſs; that the children of popiſh recuſants ſhould be taken from their parents, and be committed to the care of proteſtant teachers and ſchoolmaſters; and that the fines and confiſcations, to which the catholics were by law liable, ſhould be levied with the utmoſt ſeverity [n].

By this *bold* ſtep, unprecedented in England for many years, and ſcarcely ever heard of in peaceable times, the commons attacked at once all the king's favourite maxims of government; his cautious and pacific meaſures, his lenity towards the Romiſh religion, and his attachment to the Spaniſh alliance, from which he promiſed himſelf ſuch mighty advantages. But what moſt diſguſted him was, their ſeeming invaſion of his prerogative, and their pretending, under colour of advice, to direct his conduct in ſuch points, as had ever been acknowledged to belong ſolely to the management and direction of the ſovereign. He was, at that time, abſent at Newmarket; but as ſoon as he heard of the intended remonſtrance of the commons, he wrote a letter to the ſpeaker, in which he ſharply rebuked the houſe for openly debating matters far above their reach and capacity, and he ſtrictly forbade them to meddle with any thing that regarded his government, or deep matters of ſtate, and eſpecially not to touch on his ſon's marriage with the daughter of Spain, nor to attack the honour of that king, or any other of his

[n] Franklyn, p. 58, 59. Ruſhworth, vol. i. p. 40, 41. Kennet, p. 737.

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friends and confederates. In order the more to intimidate them, he mentioned the impriſonment of Sir Edwin Sandys; and though he denied that the confinement of that member had been owing to any offence committed in the houſe, he plainly told them, that he thought himſelf fully intitled to puniſh every miſdemeanor in parliament, as well during its ſitting as after its diſſolution; and that he intended thenceforward to chaſtize any man, whoſe inſolent behaviour there ſhould miniſter occaſion of offence [o].

THIS *violent* letter, in which the king, though he here imitated former precedents, may be thought not to have acted altogether on the defenſive, had the effect which might naturally have been expected from it: The commons were inflamed, not terrified. Secure of their own popularity, and of the bent of the nation towards a war with the catholics abroad, and the perſecution of popery at home, they little dreaded the menaces of a prince, who was unſupported by military force, and whoſe gentle temper would, of itſelf, ſo ſoon diſarm his ſeverity. In a new remonſtrance, therefore, they ſtill inſiſted on their former remonſtrance and advice; and they maintained, though in reſpectful terms, that they were intitled to interpoſe with their counſel in all matters of government; that, to poſſeſs entire freedom of ſpeech, in their debates on public buſineſs, was their ancient and undoubted right, and an inheritance tranſmitted to them from their anceſtors; and that, if any member abuſed this liberty, it belonged to the houſe alone, who were witneſſes of his offence, to inflict a proper cenſure upon him [p].

So *vigorous* an anſwer was nowiſe calculated to appeaſe the king. It is ſaid, when the approach of the com-

[o] Franklyn, p. 60. Ruſhworth, vol. i. p. 43. Kennet, p. 741.
[p] Franklyn, p. 60. Ruſhworth, vol. i. p. 44. Kennet, p. 741.

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mittee who were to preſent it was notified to him, he ordered twelve chairs to be brought: For that there were ſo many kings a-coming [q]. His anſwer was prompt and ſharp. He told the houſe, that their remonſtrance was more like a denunciation of war than an addreſs of dutiful ſubjects; that their pretenſion to enquire into all ſtate affairs, without exception, was ſuch a *plenipotence* as none of their anceſtors, even during the reign of the weakeſt princes, had ever pretended to; that public tranſactions depended on a complication of views and intelligence, with which they were entirely unacquainted; that they could not better ſhow their wiſdom, as well as duty, than by keeping within their proper ſphere [r]; and that, in any buſineſs which depended on his prerogative, they had no title to interpoſe with their advice, except when he was pleaſed to deſire it. And he concluded with theſe memorable words: *And though we cannot allow of your ſtile, in mentioning your ancient and undoubted right and inheritance, but would rather have wiſhed that ye had ſaid, that your privileges were derived from the grace and permiſſion of our anceſtors and us (for the moſt of them grew from precedents, which ſhews rather a toleration than inheritance); yet we are pleaſed to give you our royal aſſurance, that as long as you contain yourſelves within the limits of your duty, we will be as careful to maintain and preſerve your lawful liberties and privileges as ever any of our predeceſſors were, nay, as to preſerve our own royal prerogative* [s].

THIS open pretenſion of the king's naturally gave great alarm to the houſe of commons. They ſaw their title to every privilege, if not plainly denied, yet conſidered at leaſt as precarious. It might be forfeited by abuſe, and

[q] Kennet, p. 43.

[r] *Ne ſutor ultra crepidam.* This expreſſion is imagined to be inſolent and diſobliging: But it was a Latin proverb familiarly uſed on all occaſions.

[s] Franklyn, p. 62, 63, 64. Ruſhworth, vol. i. p. 46, 47, &c. Kennet, p. 743.

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they had already abuſed it. They thought proper, therefore, immediately to oppoſe pretenſion to pretenſion. They framed a proteſtation, in which they repeated all their former claims for freedom of ſpeech, and an unbounded authority to interpoſe with their advice and counſel. And they aſſerted, *That the liberties, franchiſes, privileges, and juriſdictions of parliament, are the ancient and undoubted birthright and inheritance of the ſubjects of England*[t].

Proteſtation of the commons.

THE king, informed of theſe encreaſing heats and jealouſies in the houſe, hurried to town. He ſent immediately for the journals of the commons; and, with his own hand, before the council, he tore out this proteſtation[u]; and ordered his reaſons to be inſerted in the council-book. He was doubly diſpleaſed, he ſaid, with the proteſtation of the lower houſe, on account of the manner of framing it, as well as of the matter which it contained. It was tumultuouſly voted, at a late hour, and in a thin houſe; and it was expreſſed in ſuch general and ambiguous terms, as might ſerve for a foundation to the moſt enormous claims, and to the moſt unwarrantable uſurpations upon his prerogative[w].

THE meeting of the houſe might have proved dangerous after ſo violent a breach. It was no longer poſſible, while men were in ſuch a temper, to finiſh any buſineſs. The king, therefore, prorogued the parliament, and ſoon after diſſolved it by proclamation; in which he alſo made an apology to the public for his whole conduct.

THE leading members of the houſe, Sir Edward Coke and Sir Robert Philips, were committed to the Tower; Selden, Pym, and Mallory, to other priſons[x]. As a lighter puniſhment, Sir Dudley Digges, Sir Thomas Crew, Sir Nathaniel Rich, Sir James Perrot, joined in

[t] See note [L] at the end of the volume. [u] Journ. 18 Dec. 1621.
[w] Franklyn, p. 65. [x] Franklyn, p. 66, Ruſhworth, vol. i. p. 55.

commiſſion

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commiſſion with others, were ſent to Ireland, in order to execute ſome buſineſs [y]. The king, at that time, enjoyed, at leaſt exerciſed, the prerogative of employing any man, even without his conſent, in any branch of public ſervice.

Sir John Savile, a powerful man in the houſe of commons, and a zealous opponent of the court, was made comptroller of the houſehold, a privy counſellor, and ſoon after a baron [z]. This event is memorable; as being the firſt inſtance, perhaps, in the whole hiſtory of England, of any king's advancing a man on account of parliamentary intereſt, and of oppoſition to his meaſures. However irregular this practice, it will be regarded by political reaſoners, as one of the moſt early and moſt infallible ſymptoms of a regular eſtabliſhed liberty.

The king having thus, with ſo raſh and indiſcreet a hand, torn off that ſacred veil which had hitherto covered the Engliſh conſtitution, and which threw an obſcurity upon it, ſo advantageous to royal prerogative, every man began to indulge himſelf in political reaſonings and enquiries; and the ſame factions which commenced in parliament, were propagated throughout the nation. In vain did James, by reiterated proclamations, forbid the diſcourſing of ſtate affairs [a]. Such proclamations, if they had any effect, ſerved rather to inflame the curioſity of the public. And, in every company or ſociety, the late tranſactions became the ſubject of argument and debate.

All hiſtory, ſaid the partizans of the court, as well as the hiſtory of England, juſtify the king's poſition with regard to the origin of popular privileges; and every rea-

[y] Franklyn, p. 66. Ruſhworth, vol. i. p. 55. [z] Kennet, p. 749.

[a] Franklyn, p. 56. Ruſhworth, vol. i. p. 21. 36. 55. The king alſo, in imitation of his predeceſſors, gave rules to preachers. Franklyn, p. 70. The pulpit was at that time much more dangerous than the preſs. Few people could read, and ſtill fewer were in the practice of reading.

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ſonable man muſt allow, that, as monarchy is the moſt ſimple form of government, it muſt firſt have occurred to rude and uninſtructed mankind. The other complicated and artificial additions were the ſucceſſive invention of ſovereigns and legiſlators; or, if they were obtruded on the prince by ſeditious ſubjects, their origin muſt appear, on that very account, ſtill more precarious and unfavourable. In England, the authority of the king, in all the exterior forms of government, and in the common ſtyle of law, appears totally abſolute and ſovereign; nor does the real ſpirit of the conſtitution, as it has ever diſcovered itſelf in practice, fall much ſhort of theſe appearances. The parliament is created by his will; by his will it is diſſolved. It is his will alone, though at the deſire of both houſes, which gives authority to laws. To all foreign nations, the majeſty of the monarch ſeems to merit ſole attention and regard. And no ſubject, who has expoſed himſelf to royal indignation, can hope to live with ſafety in the kingdom; nor can he even leave it, according to law, without the conſent of his maſter. If a magiſtrate, invironed with ſuch power and ſplendor, ſhould conſider his authority as ſacred, and regard himſelf as the anointed of heaven, his pretenſions may bear a very favourable conſtruction. Or, allowing them to be merely pious frauds, we need not be ſurprized, that the ſame ſtratagem which was practiſed by Minos, Numa, and the moſt celebrated legiſlators of antiquity, ſhould now, in theſe reſtleſs and inquiſitive times, be employed by the king of England. Subjects are not raiſed above that quality, though aſſembled in parliament. The ſame humble reſpect and deference is ſtill due to their prince. Though he indulges them in the privilege of laying before him their domeſtic grievances, with which they are ſuppoſed to be beſt acquainted, this warrants not their bold intruſion into every province of government. And, to

to all judicious examiners, it must appear, "That the "lines of duty are as much transgressed by a more inde- "pendent and less respectful exercise of acknowledged "powers, as by the usurpation of such as are new and "unusual."

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THE lovers of liberty, throughout the nation, reasoned after a different manner. It is in vain, said they, that the king traces up the English government to its first origin, in order to represent the privileges of parliament as dependent and precarious: Prescription, and the practice of so many ages, must, long ere this time, have given a sanction to these assemblies, even though they had been derived from an origin no more dignified than that which he assigns them. If the written records of the English nation, as asserted, represent parliaments to have arisen from the consent of monarchs, the principles of human nature, when we trace government a step higher, must show us, that monarchs themselves owe all their authority to the voluntary submission of the people. But, in fact, no age can be shown, when the English government was altogether an unmixed monarchy: And, if the privileges of the nation have, at any period, been overpowered by violent irruptions of foreign force or domestic usurpation; the generous spirit of the people has ever seized the first opportunity of re-establishing the ancient government and constitution. Though in the style of the laws, and in the usual forms of administration, royal authority may be represented as sacred and supreme; whatever is essential to the exercise of sovereign and legislative power, must still be regarded as equally divine and inviolable. Or, if any distinction be made in this respect, the preference is surely due to those national councils, by whose interposition the exorbitancies of tyrannical power are restrained, and that sacred liberty is preserved, which heroic spirits, in all ages, have deemed

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more precious than life itſelf. Nor is it ſufficient to ſay, that the mild and equitable adminiſtration of James affords little occaſion, or no occaſion of complaint. How moderate ſoever the exerciſe of his prerogative, how exact ſoever his obſervance of the laws and conſtitution; "If "he founds his authority on arbitrary and dangerous "principles, it is requiſite to watch him with the ſame "care, and to oppoſe him with the ſame vigour, as if he "had indulged himſelf in all the exceſſes of cruelty and "tyranny."

AMIDST theſe diſputes, the wiſe and moderate in the nation endeavoured to preſerve, as much as poſſible, an equitable neutrality between the oppoſite parties; and the more they reflected on the courſe of public affairs, the greater difficulty they found in fixing juſt ſentiments with regard to them. On the one hand, they regarded the very riſe of parties as a happy prognoſtic of the eſtabliſhment of liberty; nor could they ever expect to enjoy, in a mixed government, ſo invaluable a bleſſing, without ſuffering that inconvenience, which, in ſuch governments, has ever attended it. But when they conſidered, on the other hand, the neceſſary aims and purſuits of both parties, they were ſtruck with apprehenſion of the conſequences, and could diſcover no feaſible plan of accommodation between them. From long practice, the crown was now poſſeſſed of ſo exorbitant a prerogative, that it was not ſufficient for liberty to remain on the defenſive, or endeavour to ſecure the little ground which was left her: It was become neceſſary to carry on an offenſive war, and to circumſcribe, within more narrow, as well as more exact bounds, the authority of the ſovereign. Upon ſuch provocation, it could not but happen that the prince, however juſt and moderate, would endeavour to repreſs his opponents; and, as he ſtood upon the very brink of arbitrary power, it was to be feared that he would,

would, haſtily and unknowingly, paſs thoſe limits, which were not preciſely marked by the conſtitution. The turbulent government of England, ever fluctuating between privilege and prerogative, would afford a variety of precedents, which might be pleaded on both ſides. In ſuch delicate queſtions, the people muſt be divided: The arms of the ſtate were ſtill in their hands: A civil war muſt enſue; a civil war, where no party or both parties would juſtly bear the blame, and where the good and virtuous would ſcarcely know what vows to form; were it not that liberty, ſo neceſſary to the perfection of human ſociety, would be ſufficient to biaſs their affections towards the ſide of its defenders.

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Negociations with regard to the marriage and the Palatinate—Character of Buckingham—Prince's journey to Spain—Marriage treaty broken—A parliament—Return of Briſtol—Rupture with Spain—Treaty with France—Manſfeldt's expedition—Death of the king—His character.

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TO wreſt the Palatinate from the hands of the emperor and the duke of Bavaria, muſt always have been regarded as a difficult taſk for the power of England, conducted by ſo unwarlike a prince as James: It was plainly impoſſible, while the breach ſubſiſted between him and the commons. The king's negociations, therefore, had they been managed with ever ſo great dexterity, muſt now carry leſs weight with them; and it was eaſy to elude all his applications. When lord Digby, his ambaſſador to the emperor, had deſired a ceſſation of hoſtilities, he was referred to the duke of Bavaria, who commanded the Auſtrian armies. The duke of Bavaria told him, that it was entirely ſuperfluous to form any treaty for that purpoſe. *Hoſtilities are already ceaſed*, ſaid he; *and I doubt not but I ſhall be able to prevent their revival by keeping firm poſſeſſion of the Palatinate, till a final agreement ſhall be concluded between the contending parties*[b]. Notwithſtanding this inſult, James endeavoured to reſume with the emperor a treaty of accommodation; and he opened the negociations at Bruſſels, under the mediation of archduke Albert; and, after his death,

Negociations with regard to the marriage and the Palatinate.

[b] Franklyn, p. 57. Ruſhworth, vol. i. p. 38.

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which happened about this time, under that of the Infanta: When the conferences were entered upon, it was found, that the powers of theſe princes to determine in the controverſy were not ſufficient or ſatisfactory. Schwartzenbourg, the Imperial miniſter, was expected at London; and it was hoped that he would bring more ample authority: His commiſſion referred entirely to the negociation at Bruſſels. It was not difficult for the king to perceive, that his applications were neglected by the emperor; but as he had no choice of any other expedient, and it ſeemed the intereſt of his ſon-in-law to keep alive his pretenſions, he was ſtill content to follow Ferdinand through all his ſhifts and evaſions. Nor was he entirely diſcouraged, even when the Imperial diet at Ratiſbon, by the influence, or rather authority of the emperor, though contrary to the proteſtation of Saxony, and of all the proteſtant princes and cities, had transferred the electoral dignity from the Palatine to the duke of Bavaria.

MEANWHILE, the efforts made by Frederic, for the recovery of his dominions, were vigorous. Three armies were levied in Germany by his authority, under three commanders, duke Chriſtian of Brunſwick, the prince of Baden-Dourlach, and count Mansfeldt. The two former generals were defeated by count Tilly and the Imperialiſts; The third, though much inferior in force to his enemies, ſtill maintained the war; but with no equal ſupplies of money either from the Palatine or the king of England. It was chiefly by pillage and free quarters in the Palatinate, that he ſubſiſted his army. As the Auſtrians were regularly paid, they were kept in more exact diſcipline; and James juſtly became apprehenſive, leſt ſo unequal a conteſt, beſides ravaging the Palatine's hereditary dominions, would end in the total alienation of the people's affections from their ancient ſovereign, by whom they were plundered, and in an attachment to their new maſters,

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maſters, by whom they were protected [c]. He perſuaded therefore his ſon-in-law to diſarm, under colour of duty and ſubmiſſion to the emperor: And accordingly, Manſfeldt was diſmiſſed from the Palatine's ſervice; and that famous general withdrew his army into the Low Countries, and there received a commiſſion from the States of the United Provinces.

To ſhew how little account was made of James's negociations abroad, there is a pleaſantry mentioned by all hiſtorians, which, for that reaſon, ſhall have place here. In a farce, acted at Bruſſels, a courier was introduced carrying the doleful news that the Palatinate would ſoon be wreſted from the houſe of Auſtria; ſo powerful were the ſuccours, which, from all quarters, were haſtening to the relief of the deſpoiled elector; The king of Denmark had agreed to contribute to his aſſiſtance a hundred thouſand pickled herrings, the Dutch a hundred thouſand butter-boxes, and the king of England a hundred thouſand ambaſſadors. On other occaſions, he was painted with a ſcabbard, but without a ſword; or with a ſword, which nobody could draw, though ſeveral were pulling at it [d].

It was not from his negociations with the emperor or the duke of Bavaria, that James expected any ſucceſs in his project of reſtoring the Palatine: His eyes were entirely turned towards Spain; and if he could effect his ſon's marriage with the Infanta, he doubted not but that, after ſo intimate a conjunction, this other point could eaſily he obtained. The negociations of that court being commonly dilatory, it was not eaſy for a prince of ſo little penetration in buſineſs, to diſtinguiſh, whether the difficulties, which occurred, were real or affected; and he was ſurprized, after negociating five years on ſo ſimple a demand, that he was not more advanced than at

[c] Parl. Hiſt. vol. v. p. 484. [d] Kennet, p. 749.

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the beginning. A diſpenſation from Rome was requiſite for the marriage of the Infanta with a proteſtant prince; and the king of Spain, having undertaken to procure that diſpenſation, had thereby acquired the means of retarding at pleaſure, or of forwarding the marriage, and at the ſame time of concealing entirely his artifices from the court of England.

In order to remove all obſtacles, James diſpatched Digby, ſoon after created earl of Briſtol, as his ambaſſador to Philip IV. who had lately ſucceeded his father in the crown of Spain. He ſecretly employed Gage as his agent at Rome; and finding that the difference of religion was the principal, if not the ſole difficulty, which retarded the marriage, he reſolved to ſoften that objection as much as poſſible. He iſſued public orders for diſcharging all popiſh recuſants who were impriſoned; and it was daily apprehended, that he would forbid, for the future, the execution of the penal laws enacted againſt them. For this ſtep, ſo oppoſite to the rigid ſpirit of his ſubjects, he took care to apologize; and he even endeavoured to aſcribe it to his great zeal for the reformed religion. He had been making applications, he ſaid, to all foreign princes for ſome indulgence to the diſtreſſed proteſtants; and he was ſtill anſwered by objections derived from the ſeverity of the Engliſh laws againſt catholics [e]. It might indeed occur to him, that, if the extremity of religious zeal were ever to abate among chriſtian ſects, one of them muſt begin; and nothing would be more honourable for England, than to have led the way in ſentiments ſo wiſe and moderate.

Not only the religious puritans murmured at this tolerating meaſure of the king: The lovers of civil liberty were alarmed at ſo important an exertion of prerogative. But, among other dangerous articles of authority,

[e] Franklyn, p. 69. Ruſhworth, vol. i. p. 63.

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the kings of England were at that time poſſeſſed of the diſpenſing power; at leaſt, were in the conſtant practice of exerciſing it. Beſides, though the royal prerogative in civil matters was then extenſive, the princes, during ſome late reigns, had been accuſtomed to aſſume a ſtill greater in eccleſiaſtical. And the king failed not to repreſent the toleration of catholics as a meaſure entirely of that nature.

By James's conceſſion in favour of the catholics, he attained his end. The ſame religious motives which had hitherto rendered the court of Madrid inſincere in all the ſteps taken with regard to the marriage, were now the chief cauſe of promoting it. By its means, it was there hoped, the Engliſh catholics would for the future enjoy eaſe and indulgence; and the Infanta would be the happy inſtrument of procuring to the church ſome tranquillity, after the many ſevere perſecutions which it had hitherto undergone. The earl of Briſtol, a miniſter of vigilance and penetration, and who had formerly oppoſed all alliance with catholics [f], was now fully convinced of the ſincerity of Spain; and he was ready to congratulate the king on the entire completion of his views and projects [g]. A daughter of Spain, whom he repreſents as extremely accompliſhed, would ſoon, he ſaid, arrive in England, and bring with her an immenſe fortune of two millions of pieces of eight, or 600,000 pounds ſterling; a ſum four times greater than Spain had ever before given with any princeſs, and almoſt equal to all the money, which the parliament, during the whole courſe of this reign, had hitherto granted to the king. But what was of more importance to James's honour and happineſs, Briſtol conſidered this match as an infallible prognoſtic of the Palatine's reſtoration; nor would Philip, he thought, ever have beſtowed his ſiſter and ſo large a fortune, under

[f] Ruſhworth, vol. i. p. 292. [g] Ibid. p. 69.

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the proſpect of entering next day into a war with England. So exact was his intelligence, that the moſt ſecret counſels of the Spaniards, he boaſts, had never eſcaped him [h]; and he found that they had all along conſidered the marriage of the Infanta and the reſtitution of the Palatinate as meaſures cloſely connected, or altogether inſeparable [i]. However little calculated James's character to extort ſo vaſt a conceſſion; however improper the meaſures which he had purſued for attaining that end; the ambaſſador could not withſtand the plain evidence of facts, by which Philip now demonſtrated his ſincerity. Perhaps too, like a wiſe man, he conſidered, that reaſons of ſtate, which are ſuppoſed ſolely to influence the councils of monarchs, are not always the motives which there predominate; that the milder views of gratitude, honour, friendſhip, generoſity, are frequently able, among princes as well as private perſons, to counterbalance theſe ſelfiſh conſiderations; that the juſtice and moderation of James had been ſo conſpicuous in all theſe tranſactions, his reliance on Spain, his confidence in her friendſhip, that he had at laſt obtained the cordial alliance of that nation, ſo celebrated for honour and fidelity. Or if politics muſt ſtill be ſuppoſed the ruling motive of all public meaſures, the maritime power of England was ſo conſiderable, and the Spaniſh dominions ſo divided, as might well induce the council of Philip to think, that a ſincere friendſhip with the maſters of the ſea could not be purchaſed by too great conceſſions [k]. And as James, during ſo many years, had been allured and ſeduced by hopes and proteſtations, his people enraged by delays and diſ-

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[h] Ruſhworth, vol. i. p. 272.

[i] We find by private letters between Philip IV. and the Condé Olivarez, ſhown by the latter to Buckingham, that the marriage and the reſtitution of the Palatinate were always conſidered by the court of Spain as inſeparable. See Franklyn, p. 71, 72. Ruſhworth, vol. i. p. 71. 280. 299, 300. Parl. Hiſt. vol. vi. p. 66.

[k] Franklyn, p. 72.

appointments;

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appointments; it would probably occur, that there was now no medium left between the moſt inveterate hatred and the moſt intimate alliance between the nations. Not to mention, that, as a new ſpirit began about this time to animate the councils of France, the friendſhip of England became every day more neceſſary to the greatneſs and ſecurity of the Spaniſh monarch.

ALL meaſures being, therefore, agreed on between the parties, naught was wanting but the diſpenſation from Rome, which might be conſidered as a mere formality[1]. The king juſtified by ſucceſs, now exulted in his pacific counſels, and boaſted of his ſuperior ſagacity and penetration; when all theſe flattering proſpects were blaſted by the temerity of a man, whom he had fondly exalted from a private condition, to be the bane of himſelf, of his family, and of his people.

Character of Buckingham.

EVER ſince the fall of Somerſet, Buckingham had governed, with an uncontrouled ſway, both the court and nation; and could James's eyes have been opened, he had now full opportunity of obſerving how unfit his favourite was for the high ſtation to which he was raiſed. Some accompliſhments of a courtier he poſſeſſed: Of every talent of a miniſter he was utterly deſtitute. Headſtrong in his paſſions, and incapable equally of prudence and of diſſimulation: Sincere from violence rather than candour; expenſive from profuſion more than generoſity: A warm friend, a furious enemy; but without any choice or diſcernment in either: With theſe qualities he had early and quickly mounted to the higheſt rank; and partook at once of the inſolence which attends a fortune newly acquired, and the impetuoſity which belongs to perſons born in high ſtations, and unacquainted with oppoſition.

[1] Ruſhworth, vol. i. p. 66.

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AMONG thoſe who had experienced the arrogance of this overgrown favourite, the prince of Wales himſelf had not been entirely ſpared; and a great coldneſs, if not an enmity, had, for that reaſon, taken place between them. Buckingham, deſirous of an opportunity, which might connect him with the prince, and overcome his averſion, and at the ſame time envious of the great credit acquired by Briſtol in the Spaniſh negociation, bethought himſelf of an expedient, by which he might at once gratify both theſe inclinations. He repreſented to Charles, that perſons of his exalted ſtation were peculiarly unfortunate in their marriage, the chief circumſtance in life; and commonly received into their arms a bride, unknown to them, to whom they were unknown; not endeared by ſympathy, not obliged by ſervice; wooed by treaties alone, by negociations, by political intereſt: That however accompliſhed the Infanta, ſhe muſt ſtill conſider herſelf as a melancholy victim of ſtate, and could not but think with averſion of that day, when ſhe was to enter the bed of a ſtranger; and, paſſing into a foreign country and a new family, bid adieu for ever to her father's houſe and to her native land: That it was in the prince's power to ſoften all theſe rigours, and lay ſuch an obligation on her, as would attach the moſt indifferent temper, as would warm the coldeſt affections: That his journey to Madrid would be an unexpected gallantry, which would equal all the fictions of Spaniſh romance, and ſuiting the amorous and enterpriſing character of that nation, muſt immediately introduce him to the princeſs under the agreeable character of a devoted lover and daring adventurer: That the negociations with regard to the Palatinate, which had hitherto languiſhed in the hands of miniſters, would quickly be terminated by ſo illuſtrious an agent, ſeconded by the mediation and intreaties of the grateful Infanta: That

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Spaniſh generoſity, moved by that unexampled truſt and confidence, would make conceſſions beyond what could be expected from political views and conſiderations: And that he would quickly return to the king with the glory of having re-eſtabliſhed the unhappy Palatine, by the ſame enterprize which procured him the affections and the perſon of the Spaniſh princeſs[m].

THE mind of the young prince, replete with candor, was inflamed by theſe generous and romantic ideas, ſuggeſted by Buckingham. He agreed to make application to the king for his approbation. They choſe the moment of his kindeſt and moſt jovial humour; and more by the earneſtneſs which they expreſſed, than by the force of their reaſons, they obtained a haſty and unguarded conſent to their undertaking. And having engaged his promiſe to keep their purpoſe ſecret, they left him, in order to make preparations for the journey.

No ſooner was the king alone, than his temper, more cautious than ſanguine, ſuggeſted very different views of the matter, and repreſented every difficulty and danger, which could occur. He reflected, that, however the world might pardon this ſally of youth in the prince, they would never forgive himſelf, who, at his years, and after his experience, could entruſt his only ſon, the heir of his crown, the prop of his age, to the diſcretion of foreigners, without ſo much as providing the frail ſecurity of a ſafe-conduct in his favour: That if the Spaniſh monarch were ſincere in his profeſſions, a few months muſt finiſh the treaty of marriage, and bring the Infanta into England; if he were not ſincere, the folly was ſtill more egregious of committing the prince into his hands: That Philip, when poſſeſſed of ſo invaluable a pledge, might well riſe in his demands, and impoſe harder conditions of treaty: And that the temerity of the enter-

[m] Clarendon, vol. i. p. 11, 12.

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prize was ſo apparent, that the event, how proſperous ſoever, could not juſtify it; and if diſaſtrous, it would render himſelf infamous to his people, and ridiculous to all poſterity[n]. CHAP. XLIX. 1623.

TORMENTED with theſe reflections, as ſoon as the prince and Buckingham returned for their diſpatches, he informed them of all the reaſons which had determined him to change his reſolution; and he begged them to deſiſt from ſo fooliſh an adventure. The prince received the diſappointment with ſorrowful ſubmiſſion and ſilent tears: Buckingham preſumed to ſpeak in an imperious tone, which he had ever experienced to be prevalent over his too eaſy maſter. He told the king, that nobody for the future would believe any thing he ſaid, when he retracted ſo ſoon the promiſe ſo ſolemnly given; that he plainly diſcerned this change of reſolution to proceed from another breach of his word, in communicating the matter to ſome raſcal, who had furniſhed him with thoſe pitiful reaſons which he had alleged, and he doubted not but he ſhould hereafter know who his counſellor had been; and that if he receded from what he had promiſed, it would be ſuch a diſobligation to the prince, who had now ſet his heart upon the journey, after his majeſty's approbation, that he could never forget it, nor forgive any man who had been the cauſe of it[o].

THE king, with great earneſtneſs, fortified by many oaths, made his apology, by denying that he had communicated the matter to any; and finding himſelf aſſailed, as well by the boiſterous importunities of Buckingham, as by the warm intreaties of his ſon, whoſe applications had hitherto, on other occaſions, been always dutiful, never earneſt; he had again the weakneſs to aſſent to their purpoſed journey. It was agreed that

[n] Clarendon, vol. i. p. 14. [o] Ibid. vol. i. p. 16.

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Sir Francis Cottington alone, the prince's ſecretary, and Endymion Porter, gentleman of his bed-chamber, ſhould accompany them; and the former being at that time in the anti-chamber, he was immediately called in by the king's orders.

JAMES told Cottington, that he had always been an honeſt man, and therefore he was now to truſt him in an affair of the higheſt importance, which he was not, upon his life, to diſcloſe to any man whatever. "Cotting-"ton," added he, "here is baby Charles and Stenny," (theſe ridiculous appellations he uſually gave to the prince and Buckingham,) "who have a great mind to "go poſt into Spain, and fetch home the Infanta: They "will have but two more in their company, and have "choſen you for one. What think you of the journey?" Sir Francis, who was a prudent man, and had reſided ſome years in Spain as the king's agent, was ſtruck with all the obvious objections to ſuch an enterprize, and ſcrupled not to declare them. The king threw himſelf upon his bed, and cried, *I told you this before*; and fell into a new paſſion and new lamentations, complaining that he was undone, and ſhould loſe baby Charles.

THE prince ſhowed by his countenance, that he was extremely diſſatisfied with Cottington's diſcourſe; but Buckingham broke into an open paſſion againſt him. The king, he told him, aſked him only of the journey, and of the manner of travelling; particulars of which he might be a competent judge, having gone the road ſo often by poſt; but that he, without being called to it, had the preſumption to give his advice upon matters of ſtate and againſt his maſter, which he ſhould repent as long as he lived. A thouſand other reproaches he added, which put the poor king into a new agony in behalf of a ſervant, who, he foreſaw, would ſuffer for anſwering him honeſtly. Upon which he ſaid with ſome emotion,

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Nay, by God, Stenny, you are much to blame for uſing him ſo: He anſwered me directly to the queſtion which I aſked him, and very honeſtly and wiſely; and yet, you know, he ſaid no more than I told you before he was called in. However, after all this paſſion on both ſides, James renewed his conſent; and proper directions were given for the journey. Nor was he now at any loſs to diſcover, that the whole intrigue was originally contrived by Buckingham, as well as purſued violently by his ſpirit and impetuoſity.

THESE circumſtances, which ſo well characteriſe the perſons, ſeem to have been related by Cottington to lord Clarendon, from whom they are here tranſcribed; and though minute, are not undeſerving of a place in hiſtory.

THE prince and Buckingham, with their two attendants, and Sir Richard Graham, maſter of horſe to Buckingham, paſſed diſguiſed and undiſcovered through France; and they even ventured into a court-ball at Paris, where Charles ſaw the princeſs Henrietta, whom he afterwards eſpouſed, and who was at that time in the bloom of youth and beauty. In eleven days after their departure from London, they arrived at Madrid; and ſurprized every-body by a ſtep ſo unuſual among great princes. The Spaniſh monarch immediately paid Charles a viſit, expreſſed the utmoſt gratitude for the confidence repoſed in him, and made warm proteſtations of a correſpondent confidence and friendſhip. By the moſt ſtudied civilities, he ſhowed the reſpect which he bore to his royal gueſt. He gave him a golden key, which opened all his apartments, that the prince might, without any introduction, have acceſs to him at all hours: He took the left hand of him on every occaſion, except in the apartments aſſigned to Charles; for there, he ſaid, the prince was at home: Charles was introduced into the palace with the ſame pomp and ceremony that at-

7th March. The prince's journey to Spain.

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tends the kings of Spain on their coronation: The council received public orders to obey him as the king himself: Olivarez too, though a grandee of Spain, who has the right of being covered before his own king, would not put on his hat in the prince's preſence[p]: All the priſons of Spain were thrown open, and all the priſoners received their freedom, as if the event, the moſt honourable and moſt fortunate, had happened to the monarchy[q]: And every ſumptuary law with regard to apparel was ſuſpended during Charles's reſidence in Spain. The Infanta, however, was only ſhown to her lover in public; the Spaniſh ideas of decency being ſo ſtrict, as not to allow of any farther intercourſe, till the arrival of the diſpenſation[r].

THE point of honour was carried ſo far by that generous people, that no attempt was made, on account of the advantage which they had acquired, of impoſing any harder conditions of treaty: Their pious zeal only prompted them, on one occaſion, to deſire more conceſſions in the religious articles; but, upon the oppoſition of Briſtol, accompanied with ſome reproaches, they immediately deſiſted. The pope, however, hearing of the prince's arrival in Madrid, tacked ſome new clauſes to the diſpenſation[s]; and it became neceſſary to tranſmit the articles to London, that the king might ratify them. This treaty, which was made public, conſiſted of ſeveral articles, chiefly regarding the exerciſe of the catholic religion by the Infanta and her houſehold. Nothing could reaſonably be found fault with, except one article, in which the king promiſed, that the children ſhould be educated by the princeſs, till ten years of age. This condition could not be inſiſted on, but with a view of ſeaſoning their minds with catholic principles;

[p] Franklyn, p. 73.
[q] Idem, p. 74.
[r] Ruſhworth, vol. i. p. 77.
[s] Idem, vol. i. p. 84.

and

and though ſo tender an age ſeemed a ſufficient ſecurity againſt theological prejudices, yet the ſame reaſon which made the pope inſert that article, ſhould have induced the king to reject it. CHAP. XLIX. 1623.

BESIDES the public treaty, there were ſeparate articles, privately ſworn to by the king; in which he promiſed to ſuſpend the penal laws enacted againſt catholics, to procure a repeal of them in parliament, and to grant a toleration for the exerciſe of the catholic religion in private houſes[t]. Great murmurs, we may believe, would have ariſen againſt theſe articles, had they been made known to the public; ſince we find it to have been imputed as an enormous crime to the prince, that, having received, about this time, a very civil letter from the pope, he was induced to return a very civil anſwer[u].

MEANWHILE Gregory XV. who granted the diſpenſation died, and Urban VIII. was choſen in his place. Upon this event, the nuncio refuſed to deliver the diſpenſation, till it ſhould be renewed by Urban; and that crafty pontiff delayed ſending a new diſpenſation, in hopes, that, during the prince's reſidence in Spain, ſome expedient might be fallen upon to effect his converſion. The king of England, as well as the prince, became impatient. On the firſt hint, Charles obtained permiſſion to return; and Philip graced his departure with all the circumſtances of elaborate civility and reſpect, which had attended his reception. He even erected a pillar, on the ſpot where they took leave of each other, as a monument of mutual friendſhip; and the prince, having ſworn to the obſervance of all the articles, entered on his journey, and embarked on board the Engliſh fleet at St. Andero.

THE character of Charles, compoſed of decency, reſerve, modeſty, ſobriety; virtues ſo agreeable to the man-

[t] Franklyn, p. 80. Ruſhworth, vol. i. p. 89. Kennet, p. 769.
[u] Ruſhworth, vol. i. p. 82. Franklyn, p. 77.

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ners of the Spaniards; the unparalleled confidence, which he had repoſed in their nation; the romantic gallantry, which he had practiſed towards their princeſs; all theſe circumſtances, joined to his youth and advantageous figure, had endeared him to the whole court of Madrid, and had impreſſed the moſt favourable ideas of him [x]. But, in the ſame proportion that the prince was beloved and eſteemed, was Buckingham deſpiſed and hated. His behaviour, compoſed of Engliſh familiarity, and French vivacity; his ſallies of paſſion, his indecent freedoms with the prince, his diſſolute pleaſures, his arrogant, impetuous temper, which he neither could, nor cared to diſguiſe; qualities like theſe, could, moſt of them, be eſteemed no-where, but to the Spaniards were the objects of peculiar averſion [y]. They could not conceal their ſurprize, that ſuch a youth could intrude into a negociation, now conducted to a period, by ſo accompliſhed a miniſter as Briſtol, and could aſſume to himſelf all the merit of it. They lamented the Infanta's fate, who muſt be approached by a man, whoſe temerity ſeemed to reſpect no laws, divine or human [z]. And when they obſerved, that he had the imprudence to inſult the Condé duke of Olivarez, their prime miniſter, every one, who was ambitious of paying court to the Spaniſh, became deſirous of ſhowing a contempt for the Engliſh favourite.

THE duke of Buckingham told Olivarez, that his own attachment to the Spaniſh nation and to the king of Spain was extreme; that he would contribute to every meaſure, which could cement the friendſhip between England and them; and that his peculiar ambition would be to facilitate the prince's marriage with the Infanta. But, he added, with a ſincerity equally inſolent and indiſcreet, *With regard to you, Sir, in particular, you muſt not conſider me as your friend, but muſt ever expect*

x Franklyn, p. 80. Ruſhworth, vol. i. p. 103.

y Ibid. vol. i. p. 101. z Clarendon, vol. i. p. 36.

from

from me all poſſible enmity and oppoſition. The Condé duke replied, with a becoming dignity, that he very willingly accepted of what was proffered him: And on theſe terms the favourites parted [a]. CHAP. XLIX. 1623.

BUCKINGHAM, ſenſible how odious he was become to the Spaniards, and dreading the influence which that nation would naturally acquire after the arrival of the Infanta, reſolved to employ all his credit in order to prevent the marriage. By what arguments he could engage the prince to offer ſuch an inſult to the Spaniſh nation, from whom he had met with ſuch generous treatment; by what colours he could diſguiſe the ingratitude and imprudence of ſuch a meaſure; theſe are totally unknown to us. We may only conjecture, that the many unavoidable cauſes of delay, which had ſo long prevented the arrival of the diſpenſation, had afforded to Buckingham a pretence for throwing on the Spaniards the imputation of inſincerity in the whole treaty. It alſo appears, that his impetuous and domineering character had acquired, what it ever after maintained, a total aſcendant over the gentle and modeſt temper of Charles; and, when the prince left Madrid, he was firmly determined, notwithſtanding all his profeſſions, to break off the treaty with Spain.

IT is not likely that Buckingham prevailed ſo eaſily with James to abandon a project, which, during ſo many years, had been the object of all his wiſhes, and which he had now unexpectedly conducted to a happy period [b]. A rupture with Spain, the loſs of two millions, were proſpects little agreeable to this pacific and indigent monarch. But, finding his only ſon bent againſt a match, which had always been oppoſed by his people and his parliament, he yielded to difficulties which he had not courage or ſtrength of mind ſufficient to overcome. The

[a] Ruſhworth, vol. i. p. 103. Clarendon, vol. i. p. 37.
[b] Hacket's Life of Williams.

prince

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prince therefore, and Buckingham, on their arrival at London, aſſumed entirely the direction of the negociation; and it was their buſineſs to ſeek for pretences, by which they could give a colour to their intended breach of treaty.

THOUGH the reſtitution of the Palatinate had ever been conſidered by James as a natural or neceſſary conſequence of the Spaniſh alliance, he had always forbidden his miniſters to inſiſt on it as a preliminary article to the concluſion of the marriage treaty. He conſidered, that this principality was now in the hands of the emperor and the duke of Bavaria; and that it was no longer in the king of Spain's power, by a ſingle ſtroke of his pen, to reſtore it to its ancient maſter. The ſtrict alliance of Spain with theſe princes would engage Philip, he thought, to ſoften ſo diſagreeable a demand by every art of negociation; and many articles muſt of neceſſity be adjuſted, before ſuch an important point could be effected. It was ſufficient, in James's opinion, if the ſincerity of the Spaniſh court could, for the preſent, be aſcertained; and, dreading farther delays of the marriage, ſo long wiſhed for, he was reſolved to truſt the Palatine's full reſtoration to the event of future counſels and deliberations [c].

THIS whole ſyſtem of negociation Buckingham now reverſed; and he overturned every ſuppoſition upon which the treaty had hitherto been conducted. After many fruitleſs artifices were employed to delay or prevent the eſpouſals, Briſtol received poſitive orders not to deliver the proxy, which had been left in his hands, or to finiſh the marriage, till ſecurity were given for the full reſtitution of the Palatinate [d]. Philip underſtood this language. He had been acquainted with the diſguſt received by Buckingham; and deeming him a man capable

[c] Parl. Hiſt. vol. vi. p. 57.
[d] Ruſhworth, vol. i. p. 105. Kennet, p. 776.

of

of ſacrificing, to his own ungovernable paſſions, the greateſt intereſts of his maſter and of his country, he had expected, that the unbounded credit of that favourite would be employed to embroil the two nations. Determined, however, to throw the blame of the rupture entirely on the Engliſh, he delivered into Briſtol's hand a written promiſe, by which he bound himſelf to procure the reſtoration of the Palatine, either by perſuaſion, or by every other poſſible means; and, when he found that this conceſſion gave no ſatisfaction, he ordered the Infanta to lay aſide the title of princeſs of Wales, which ſhe bore after the arrival of the diſpenſation from Rome, and to drop the ſtudy of the Engliſh language [e]. And thinking that ſuch raſh counſels, as now governed the court of England, would not ſtop at the breach of the marriage treaty, he ordered preparations for war immediately to be made throughout all his dominions [f].

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1623. Marriage treaty broken.

THUS James, having, by means inexplicable from the ordinary rules of politics, conducted ſo near an honourable period, the marriage of his ſon, and the reſtoration of his ſon-in-law, failed at laſt of his purpoſe, by means equally unaccountable.

BUT, though the expedients, already uſed by Buckingham, were ſufficiently inglorious, both for himſelf and for the nation; it was neceſſary for him, ere he could fully effect his purpoſe, to employ artifices ſtill more diſhonourable.

THE king, having broken with Spain, was obliged to concert new meaſures; and, without the aſſiſtance of parliament, no effectual ſtep of any kind could be taken. The benevolence, which, during the interval, had been rigorouſly exacted for recovering the Palatinate, though levied for ſo popular an end, had procured to the king 1624.

[e] Franklyn, p. 80. Ruſhworth, vol. i. p. 112.
[f] Ruſhworth, vol. i. p. 114.

leſs

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1624. A parliament.

leſs money than ill-will from his ſubjects[g]. Whatever diſcouragements, therefore, he might receive from his ill agreement with former parliaments, there was a neceſſity of ſummoning once more this aſſembly: And, it might be hoped, that the Spaniſh alliance, which gave ſuch umbrage, being abandoned, the commons would now be better ſatisfied with the king's adminiſtration. In his

29th Feb.

ſpeech to the houſes, James dropped ſome hints of his cauſes of complaint againſt Spain; and he graciouſly condeſcended to aſk the advice of parliament, which he had ever before rejected, with regard to the conduct of ſo important an affair as his ſon's marriage[h]. Buckingham delivered, to a committee of lords and commons, a long narrative, which he pretended to be true and complete, of every ſtep taken in the negociations with Philip: But partly by the ſuppreſſion of ſome facts, partly by the falſe colouring laid on others, this narrative was calculated entirely to miſlead the parliament, and to throw on the court of Spain the reproach of artifice and inſincerity. He ſaid, that, after many years' negociation, the king found not himſelf any nearer his purpoſe; and that Briſtol had never brought the treaty beyond general profeſſions and declarations: That the prince, doubting the good intentions of Spain, reſolved at laſt to take a journey to Madrid, and put the matter to the utmoſt trial: That he there found ſuch artificial dealing as made him conclude all the ſteps taken towards the marriage to be falſe and deceitful: That the reſti-

[g] To ſhow by what violent meaſures benevolences were uſually raiſed, Johnſtone tells us, in his *Rerum Britannicarum hiſtoria*, that Barnes, a citizen of London, was the firſt who refuſed to contribute any thing; upon which the treaſurer ſent him word, that he muſt immediately prepare himſelf to carry, by poſt, a diſpatch into Ireland. The citizen was glad to make his peace, by paying a hundred pounds; and no one durſt afterwards refuſe the benevolence required. See farther, Coke, p. 80.

[h] Franklyn, p. 79. Ruſhworth, vol. i. p. 115. Kennet, p. 778.

tution

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tution of the Palatinate, which had ever been regarded by the king as an eſſential preliminary, was not ſeriouſly intended by Spain: And that, after enduring much bad uſage, the prince was obliged to return to England, without any hopes, either of obtaining the Infanta, or of reſtoring the Elector Palatine [h].

THIS narrative, which, conſidering the importance of the occaſion, and the ſolemnity of that aſſembly to which it was delivered, deſerves great blame, was yet vouched for truth by the prince of Wales, who was preſent; and the king himſelf lent it, indirectly, his authority, by telling the parliament that it was by his orders Buckingham laid the whole affair before them. The conduct of theſe princes it is difficult fully to excuſe. It is in vain to plead the youth and inexperience of Charles; unleſs his inexperience and youth, as is probable [i], if not certain, really led him into error, and made him ſwallow all the falſities of Buckingham. And though the king was here hurried from his own meaſures by the impetuoſity of others; nothing ſhould have induced him to proſtitute his character, and ſeem to vouch the impoſtures, at leaſt falſe colourings, of his favourite, of which he had ſo good reaſon to entertain a ſuſpicion [k].

BUCKINGHAM's narrative, however artfully diſguiſed, contained ſo many contradictory circumſtances, as were ſufficient to open the eyes of all reaſonable men; but it concurred ſo well with the paſſions and prejudices of the parliament, that no ſcruple was made of immediately adopting it [l]. Charmed with having obtained at length

h Franklyn, p. 89, 90, 91, &c. Roſhworth, vol. i. p. 119, 120, &c. Parl. Hiſt. vol. vi. p. 20, 21, &c.

i See note [M] at the end of the volume.

k It muſt, however, be confeſſed, that the king afterwards warned the houſe not to take Buckingham's narrative for his, though it was laid before them by his order. Parl. Hiſt. vol. vi. p. 104. James was probably aſhamed to have been carried ſo far by his favourite.

l Parl. Hiſt. vol. vi. p. 75.

the

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the opportunity, ſo long wiſhed for, of going to war with papiſts, they little thought of future conſequences; but immediately adviſed the king to break off both treaties with Spain, as well that which regarded the marriage, as that for the reſtitution of the Palatinate[m]. The people, ever greedy of war till they ſuffer by it, diſplayed their triumph at theſe violent meaſures by public bonfires and rejoicings, aud by inſults on the Spaniſh miniſters. Buckingham was now the favourite of the public, and of the parliament. Sir Edward Coke, in the houſe of commons, called him the Saviour of the nation[n]. Every place reſounded with his praiſes. And he himſelf, intoxicated by a popularity which he enjoyed ſo little time, and which he ſo ill deſerved, violated all duty to his indulgent maſter, and entered into cabals with the puritanical members, who had ever oppoſed the royal authority. He even encouraged ſchemes for aboliſhing the order of biſhops, and ſelling the dean and chapter lands, in order to defray the expences of a Spaniſh war. And the king, though he ſtill entertained projects for temporizing, and for forming an accommodation with Spain, was ſo borne down by the torrent of popular prejudices, conducted and encreaſed by Buckingham, that he was at laſt obliged, in a ſpeech to parliament, to declare in favour of hoſtile meaſures, if they would engage to ſupport him[o]. Doubts of their ſincerity in this reſpect; doubts which the event ſhowed not to be ill grounded; had probably been one cauſe of his former pacific and dilatory meaſures.

In his ſpeech on this occaſion, the king began with lamenting his own unhappineſs, that, having ſo long valued himſelf on the epithet of the pacific monarch, he ſhould

[m] Franklyn, p. 98. Ruſhworth, vol. i. p. 128. Parl. Hiſt. vol. vi. p. 103. [n] Clarendon, vol. i. p. 6. [o] Franklyn, p. 94, 95. Ruſhworth, vol. i. p. 129, 130.

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now, in his old age, be obliged to exchange the bleſſings of peace for the inevitable calamities of war. He repreſented to them the immenſe and continued expence requiſite for military armaments; and beſides ſupplies, from time to time, as they ſhould become neceſſary, he demanded a vote of ſix ſubſidies and twelve fifteenths, as a proper ſtock before the commencement of hoſtilities. He told them of his intolerable debts, chiefly contracted by the ſums remitted to the Palatine[p]; but he added, that he did not inſiſt on any ſupply for his own relief, and that it was ſufficient for him, if the honour and ſecurity of the public were provided for. To remove all ſuſpicion, he, who had ever ſtrenuouſly maintained his prerogative, and who had even extended it into ſome points eſteemed doubtful, now made an imprudent conceſſion, of which the conſequences might have proved fatal to royal authority: He voluntarily offered, that the money voted ſhould be paid to a committee of parliament, and ſhould be iſſued by them, without being intruſted to his management[q]. The commons willingly accepted of this conceſſion, ſo unuſual in an Engliſh monarch; they voted him only three ſubſidies and three fifteenths[r]: And they took no notice of the complaints which he made of his own wants and neceſſities.

ADVANTAGE was alſo taken of the preſent good agreement between the king and parliament, in order to paſs the bill againſt monopolies, which had formerly been encouraged by the king, but which had failed by the rupture between him and the laſt houſe of commons. This bill was conceived in ſuch terms as to render it merely declaratory; and all monopolies were condemned as contrary to law and to the known liberties of the people. It was there ſuppoſed, that every ſubject of Eng-

[p] See note [N] at the end of the volume.

[q] Ruſhworth, vol. 1. p. 137.

[r] Leſs than 300,000 pounds.

land

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land had entire power to diſpoſe of his own actions, provided he did no injury to any of his fellow-ſubjects; and that no prerogative of the king, no power of any magiſtrate, nothing but the authority alone of laws, could reſtrain that unlimited freedom. The full proſecution of this noble principle into all its natural conſequences, has at laſt, through many conteſts, produced that ſingular and happy government which we enjoy at preſent [s].

THE houſe of commons alſo corroborated, by a new precedent, the important power of impeachment, which, two years before, they had exerciſed in the caſe of chancellor Bacon, and which had lain dormant for near two centuries, except when they ſerved as inſtruments of royal vengeance. The earl of Middleſex had been raiſed, by Buckingham's intereſt, from the rank of a London merchant, to be treaſurer of England; and, by his activity and addreſs, ſeemed not unworthy of that preferment. But, as he incurred the diſpleaſure of his patron, by ſcrupling or refuſing ſome demands of money, during the prince's reſidence in Spain, that favourite vowed revenge, and employed all his credit among the commons to procure an impeachment of the treaſurer. The king was extremely diſſatisfied with this meaſure, and propheſied to the prince and duke, that they would live to have their fill of parliamentary proſecutions [t]. In a ſpeech to the parliament, he endeavoured to apologize for Middleſex, and to ſoften the accuſation againſt him [u]. The charge, however, was ſtill maintained by the commons; and the treaſurer was found guilty by the peers, though the miſdemeanors proved againſt him were neither numerous nor important. The accepting of two preſents of five hundred pounds a-piece, for paſſing two

[s] See note [O] at the end of the volume. [t] Clarendon, vol. i. p. 223.
[u] Parl. Hiſt. vol. vi. p. 19.

patents,

patents, was the article of greateſt weight. His ſentence was, to be fined 50,000 pounds for the king's uſe, and to ſuffer all the other penalties formerly inflicted upon Bacon. The fine was afterwards remitted by the prince, when he mounted the throne. CHAP. XLIX. 1624.

THIS ſeſſion an addreſs was alſo made, very diſagreeable to the king, craving the ſevere execution of the laws againſt catholics. His anſwer was gracious and condeſcending [w]; though he declared againſt perſecution, as being an improper meaſure for the ſuppreſſion of any religion, according to the received maxim, *That the blood of the martyrs was the ſeed of the church.* He alſo condemned an entire indulgence of the catholics; and ſeemed to repreſent a middle courſe, as the moſt humane and moſt politic. He went ſo far as even to affirm, with an oath, that he never had entertained any thoughts of granting a toleration to theſe religioniſts [x]. The liberty of exerciſing their worſhip in private houſes, which he had ſecretly agreed to in the Spaniſh treaty, did not appear to him deſerving that name; and it was probably by means of this explication, he thought that he had ſaved his honour. And as Buckingham, in his narrative [y], confeſſed, that the king had agreed to a temporary ſuſpenſion of the penal laws againſt the catholics, which he diſtinguiſhed from a toleration, a term at that time extremely odious, James naturally deemed his meaning to be ſufficiently explained, and feared not any reproach of falſehood or duplicity, on account of this aſſeveration. After all theſe tranſactions, the parliament was prorogued by the king, who let fall ſome hints, though in gentle terms, of the ſenſe which he entertained of their unkindneſs, in not ſupplying his neceſſities [z]. 29th May.

[w] Franklyn, p. 101, 102. [x] See farther, Franklyn, p. 87. [y] Parl. Hiſt. vol. vi. p. 37. [z] Franklyn, p. 103.

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JAMES, unable to reſiſt ſo ſtrong a combination as that of his people, his parliament, his ſon, and his favourite, had been compelled to embrace meaſures, for which, from temper as well as judgment, he had ever entertained a moſt ſettled averſion. Though he diſſembled his reſentment, he began to eſtrange himſelf from Buckingham, to whom he aſcribed all thoſe violent counſels, and whom he conſidered as the author, both of the prince's journey to Spain, and of the breach of the marriage treaty. The arrival of Briſtol he impatiently longed for; and it was by the aſſiſtance of that miniſter, whoſe wiſdom he reſpected, and whoſe views he approved, that he hoped in time to extricate himſelf from his preſent difficulties.

Return of Briſtol.

DURING the prince's abode in Spain, that able negociator had ever oppoſed, though unſucceſsfully, to the impetuous meaſures ſuggeſted by Buckingham, his own wiſe and well-tempered counſels. After Charles's departure, he ſtill, upon the firſt appearance of a change of reſolution, interpoſed his advice, and ſtrenuouſly inſiſted on the ſincerity of the Spaniards in the conduct of the treaty, as well as the advantages which England muſt reap from the completion of it. Enraged to find, that his ſucceſsful labours ſhould be rendered abortive by the levities and caprices of an inſolent minion, he would underſtand no hints; and nothing but expreſs orders from his maſter could engage him to make that demand, which, he was ſenſible, muſt put a final period to the treaty. He was not therefore ſurpriſed to hear, that Buckingham had declared himſelf his open enemy, and, on all occaſions, had thrown out many violent reflections againſt him.

NOTHING could be of greater conſequence to Buckingham, than to keep Briſtol at a diſtance both from the king and the parliament; leſt the power of truth, enforced by

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by ſo well-informed a ſpeaker, ſhould open ſcenes, which were but ſuſpected by the former, and of which the latter had as yet entertained no manner of jealouſy. He applied therefore to James, whoſe weakneſs, diſguiſed to himſelf under the appearance of fineſſe and diſſimulation, was now become abſolutely incurable. A warrant for ſending Briſtol to the Tower was iſſued immediately upon his arrival in England [b]; and though he was ſoon releaſed from confinement, yet orders were carried him from the king, to retire to his country ſeat, and to abſtain from all attendance in parliament. He obeyed; but loudly demanded an opportunity of juſtifying himſelf, and of laying his whole conduct before his maſter. On all occaſions he proteſted his innocence, and threw on his enemy the blame of every miſcarriage. Buckingham, and, at his inſtigation, the prince, declared, that they would be reconciled to Briſtol, if he would but acknowledge his errors and ill-conduct: But the ſpirited nobleman, jealous of his honour, refuſed to buy favour at ſo high a price. James had the equity to ſay, that the inſiſting on that condition was a ſtrain of unexampled tyranny: But Buckingham ſcrupled not to aſſert, with his uſual preſumption, that neither the king, the prince, nor himſelf, were as yet ſatisfied of Briſtol's innocence [c].

WHILE the attachment of the prince to Buckingham, while the timidity of James, or the ſhame of changing his favourite, kept the whole court in awe; the Spaniſh ambaſſador, Inoioſa, endeavoured to open the king's eyes, and to cure his fears, by inſtilling greater fears into him. He privately ſlipped into his hand a paper, and gave him a ſignal to read it alone. He there told him, that he was as much a priſoner at London as ever Francis I. was

[b] Ruſhworth, vol. i. p. 145. [c] Id. vol. i. p. 259.

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at Madrid; that the prince and Buckingham had conſpired together, and had the whole court at their devotion; that cabals among the popular leaders in parliament were carrying on to the extreme prejudice of his authority; that the project was to confine him to ſome of his hunting ſeats, and to commit the whole adminiſtration to Charles; and that it was neceſſary for him, by one vigorous effort, to vindicate his authority, and to puniſh thoſe who had ſo long and ſo much abuſed his friendſhip and beneficence [d].

Rupture with Spain.

WHAT credit James gave to this repreſentation does not appear. He only diſcovered ſome faint ſymptoms, which he inſtantly retracted, of diſſatisfaction with Buckingham. All his public meaſures, and all the alliances into which he entered, were founded on the ſyſtem of enmity to the Auſtrian family, and of war to be carried on for the recovery of the Palatinate.

THE ſtates of the United Provinces were, at this time, governed by Maurice; and that aſpiring prince, ſenſible that his credit would languiſh during peace, had, on the expiration of the twelve years' truce, renewed the war with the Spaniſh monarchy. His great capacity in the military art would have compenſated the inferiority of his forces, had not the Spaniſh armies been commanded by Spinola, a general equally renowned for conduct, and more celebrated for enterprize and activity. In ſuch a ſituation, nothing could be more welcome to the republic than the proſpect of a rupture between James and the catholic king; and they flattered themſelves, as well from the natural union of intereſts between them and England, as from the influence of the preſent conjuncture, that powerful ſuccours would ſoon march to their relief. Accordingly, an army of ſix thouſand men was levied in

[d] Ruſhworth, vol. i. p. 144. Hacket's Life of Williams. Coke, p. 107.

England,

England, and ſent over to Holland, commanded by four young noblemen, Eſſex, Oxford, Southampton, and Willoughby, who were ambitious of diſtinguiſhing themſelves in ſo popular a cauſe, and of acquiring military experience under ſo renowned a captain as Maurice. CHAP. XLIX. 1624.

Treaty with France.

IT might reaſonably have been expected, that, as religious zeal had made the recovery of the Palatinate appear a point of ſuch vaſt importance in England; the ſame effect muſt have been produced in France, by the force merely of political views and conſiderations. While that principality remained in the hands of the houſe of Auſtria, the French dominions were ſurrounded on all ſides by the poſſeſſions of that ambitious family, and might be invaded by ſuperior forces from every quarter. It concerned the king of France, therefore, to prevent the peaceable eſtabliſhment of the emperor in his new conqueſts; and both by the ſituation and greater power of his ſtate, he was much better enabled than James to give ſuccour to the diſtreſſed Palatine[e]. But though theſe views eſcaped not Louis, nor Cardinal Richlieu, who now began to acquire an aſcendant in the French court; that miniſter was determined to pave the way for his enterprizes by firſt ſubduing the Hugonots, and thence to proceed, by mature counſels, to humble the houſe of Auſtria. The proſpect, however, of a conjunction with England was preſently embraced, and all imaginable encouragement was given to every propoſal for conciliating a marriage between Charles and the princeſs Henrietta,

NOTWITHSTANDING the ſenſible experience, which James might have acquired of the unſurmountable antipathy, entertained by his ſubjects, againſt all alliance with catholics, he ſtill perſevered in the opinion, that

[e] See Collection of State Papers by the Earl of Clarendon, p. 393.

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his ſon would be degraded by receiving into his bed a princeſs of leſs than royal extraction. After the rupture, therefore, with Spain, nothing remained but an alliance with France; and to that court he immediately applied himſelf[f]. The ſame allurements had not here place, which had ſo long entangled him in the Spaniſh negociation: The portion promiſed was much inferior; and the peaceable reſtoration of the Palatine could not thence be expected. But James was afraid leſt his ſon ſhould be altogether diſappointed of a bride; and therefore, as ſoon as the French king demanded, for the honour of his crown, the ſame terms which had been granted to the Spaniſh, he was prevailed with to comply. And as the prince, during his abode in Spain, had given a verbal promiſe to allow the Infanta the education of her children till the age of thirteen, this article was here inſerted in the treaty; and to that imprudence is generally imputed the preſent diſtreſſed condition of his poſterity. The court of England, however, it muſt be confeſſed, always pretended, even in their memorials to the French court, that all the favourable conditions granted to the catholics, were inſerted in the marriage treaty merely to pleaſe the pope, and that their ſtrict execution was, by an agreement with France, ſecretly diſpenſed with[g].

As much as the concluſion of the marriage treaty was acceptable to the king, as much were all the military enterprizes diſagreeable, both from the extreme difficulty of the undertaking in which he was engaged, and from his own incapacity for ſuch a ſcene of action.

During the Spaniſh negociation, Heidelberg and Manheim had been taken by the Imperial forces; and

[f] Ruſhworth, vol. i. p. 152.

[g] See note [P] at the end of the volume.

Frankendale,

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Frankendale, though the garriſon was entirely Engliſh, was cloſely beſieged by them. After reiterated remonſtrances from James, Spain interpoſed, and procured a ſuſpenſion of arms during eighteen months. But as Frankendale was the only place of Frederic's ancient dominions, which was ſtill in his hands, Ferdinand, deſirous of withdrawing his forces from the Palatinate, and of leaving that ſtate in ſecurity, was unwilling that ſo important a fortreſs ſhould remain in the poſſeſſion of the enemy. To compromiſe all differences, it was agreed to ſequeſtrate it in the hands of the Infanta as a neutral perſon; upon condition that, after the expiration of the truce, it ſhould be delivered to Frederic; though peace ſhould not, at that time, be concluded between him and Ferdinand[i]. After the unexpected rupture with Spain, the Infanta, when James demanded the execution of the treaty, offered him peaceable poſſeſſion of Frankendale, and even promiſed a ſafe-conduct for the garriſon through the Spaniſh Netherlands: But there was ſome territory of the empire interpoſed between her ſtate and the Palatinate; and for paſſage over that territory, no terms were ſtipulated[k]. By this chicane, which certainly had not been employed, if amity with Spain had been preſerved, the Palatine was totally diſpoſſeſſed of his patrimonial dominions.

THE Engliſh nation, however, and James's warlike council, were not diſcouraged. It was ſtill determined to reconquer the Palatinate; a ſtate lying in the midſt of Germany, poſſeſſed entirely by the emperor and duke of Bavaria, ſurrounded by potent enemies, and cut off from all communication with England. Count Mansfeldt was taken into pay; and an Engliſh army of 12,000 foot and 200 horſe was levied by a general preſs throughout

Mansfeldt's expedition.

[i] Ruſhworth, vol. i. p. 74. [k] Idem, ibid. p. 151.

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the kingdom. During the negociation with France, vaſt promiſes had been made, though in general terms, by the French miniſtry; not only that a free paſſage ſhould be granted to the Engliſh troops, but that powerful ſuccours ſhould alſo join them in their march towards the Palatinate. In England, all theſe profeſſions were haſtily interpreted to be poſitive engagements. The troops under Mansfeldt's command were embarked at Dover; but, upon failing over to Calais, found no orders yet arrived for their admiſſion. After waiting in vain during ſome time, they were obliged to ſail towards Zealand; where it had alſo been neglected to concert proper meaſures for their diſembarkation; and ſome ſcruples aroſe among the States on account of the ſcarcity of proviſions. Meanwhile, a peſtilential diſtemper creeped in among the Engliſh forces, ſo long cooped up in narrow veſſels. Half the army died while on board; and the other half, weakened by ſickneſs, appeared too ſmall a body to march into the Palatinate[1]. And thus ended this ill-concerted and fruitleſs expedition; the only diſaſter which happened to England, during the proſperous and pacific reign of James.

1624.

December.

1625.

THAT reign was now drawing towards a concluſion. With peace, ſo ſucceſsfully cultivated, and ſo paſſionately loved by this monarch, his life alſo terminated. This ſpring he was ſeized with a tertian ague; and, when encouraged by his courtiers with the common proverb, that ſuch a diſtemper, during that ſeaſon, was health for a king, he replied, that the proverb was meant of a young king. After ſome fits, he found himſelf extremely weakened, and ſent for the prince, whom he exhorted to bear a tender affection for his wife, but to preſerve a conſtancy in religion; to protect the church of England; and

[1] Franklyn, p. 104. Ruſhworth, vol. i. p. 154. Dugdale, p. 24.

to

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to extend his care towards the unhappy family of the Palatine[m]. With decency and courage, he prepared himself for his end; and he expired on the 27th of March, after a reign over England of twenty-two years and some days; and in the fifty-ninth year of his age. His reign over Scotland was almoſt of equal duration with his life. In all hiſtory, it would be difficult to find a reign leſs illuſtrious, yet more unſpotted and unblemiſhed than that of James in both kingdoms.

1625. Death of the king.

No prince, ſo little enterpriſing and ſo inoffenſive, was ever ſo much expoſed to the oppoſite extremes of calumny and flattery, of ſatire and panegyric. And the factions, which began in his time, being ſtill continued, have made his character be as much diſputed to this day, as is commonly that of princes who are our contemporaries. Many virtues, however, it muſt be owned, he was poſſeſſed of; but ſcarce any of them pure, or free from the contagion of the neighbouring vices. His generoſity bordered on profuſion, his learning on pedantry, his pacific diſpoſition on puſillanimity, his wiſdom on cunning, his friendſhip on light fancy and boyiſh fondneſs. While he imagined that he was only maintaining his own authority, he may perhaps be ſuſpected, in a few of his actions, and ſtill more of his pretenſions, to have ſomewhat encroached on the liberties of his people: While he endeavoured, by an exact neutrality, to acquire the good-will of all his neighbours, he was able to preſerve fully the eſteem and regard of none. His capacity was conſiderable; but fitter to diſcourſe on general maxims than to conduct any intricate buſineſs: His intentions were juſt; but more adapted to the conduct of private life, than to the government of kingdoms. Awkward in his perſon, and ungainly in his manners, he was ill qualified to com-

His character.

[m] Ruſhworth, vol. i. p. 155.

mand

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mand reſpect; partial and undiſcerning in his affections, he was little fitted to acquire general love. Of a feeble temper more than of a frail judgment: Expoſed to our ridicule from his vanity; but exempt from our hatred by his freedom from pride and arrogance. And upon the whole, it may be pronounced of his character, that all his qualities were ſullied with weakneſs and embelliſhed by humanity. Of political courage he certainly was deſtitute; and thence chiefly is derived the ſtrong prejudice which prevails againſt his perſonal bravery: An inference, however, which muſt be owned, from general experience, to be extremely fallacious.

He was only once married to Anne of Denmark, who died on the 3d of March 1619, in the forty-fifth year of her age; a woman eminent neither for her vices nor her virtues. She loved ſhows and expenſive amuſements; but poſſeſſed little taſte in her pleaſures. A great comet appeared about the time of her death; and the vulgar eſteemed it the prognoſtic of that event. So conſiderable in their eyes are even the moſt inſignificant princes.

He left only one ſon, Charles, then in the twenty-fifth year of his age; and one daughter, Elizabeth, married to the elector Palatine. She was aged twenty-nine years. Thoſe alone remained of ſix legitimate children born to him. He never had any illegitimate; and he never diſcovered any tendency, even the ſmalleſt, towards a paſſion for any miſtreſs.

The archbiſhops of Canterbury, during this reign, were Whytgift, who died in 1604; Bancroft, in 1610; Abbot, who ſurvived the king. The chancellors, lord Elleſmore, who reſigned in 1617; Bacon was firſt lord keeper till 1619; then was created chancellor, and was diſplaced in 1621; Williams, biſhop of Lincoln, was created lord keeper in his place. The high treaſurers were, the earl of Dorſet, who died in 1609; the earl of Saliſbury,

Saliſbury, in 1612; the earl of Suffolk, fined and diſplaced for bribery in 1618; lord Mandeville, reſigned in 1621; the earl of Middleſex, diſplaced in 1624; the earl of Marlborough ſucceeded. The lord admirals were, the earl of Nottingham, who reſigned in 1618; the earl, afterwards duke of Buckingham. The ſecretaries of ſtate were, the earl of Saliſbury, Sir Ralph Winwood, Nanton, Calvert, lord Conway, Sir Albertus Moreton.

THE numbers of the houſe of lords, in the firſt parliament of this reign, were ſeventy-eight temporal peers. The numbers in the firſt parliament of Charles were ninety-ſeven. Conſequently James, during that period, created nineteen new peerages above thoſe that expired.

THE houſe of commons, in the firſt parliament of this reign, conſiſted of four hundred and ſixty-ſeven members. It appears, that four boroughs revived their charters, which they had formerly neglected. And as the firſt parliament of Charles conſiſted of four hundred and ninety-four members, we may infer that James created ten new boroughs.

APPENDIX

TO THE

REIGN OF JAMES I.*

Civil government of England during this period—— Eccleſiaſtical government——Manners——Finances ——Navy——Commerce——Manufactures—— Colonies——Learning and arts.

IT may not be improper, at this period, to make a pauſe; and to take a ſurvey of the ſtate of the kingdom, with regard to government, manners, finances, arms, trade, learning. Where a juſt notion is not formed of theſe particulars, hiſtory can be little inſtructive, and often will not be intelligible.

Civil government of England.

WE may ſafely pronounce, that the Engliſh government, at the acceſſion of the Scottiſh line, was much more arbitrary than it is at preſent; the prerogative leſs limited, the liberties of the ſubject leſs accurately defined and ſecured. Without mentioning other particulars, the courts alone of high commiſſion and ſtar-chamber were

* This hiſtory of the houſe of Stuart was written and publiſhed by the author before the hiſtory of the houſe of Tudor. Hence it happens that ſome paſſages, particularly in the preſent Appendix, may ſeem to be repetitions of what was formerly delivered in the reign of Elizabeth. The author, in order to obviate this objection, has cancelled ſome few paſſages in the foregoing chapters.

ſufficient

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ſufficient to lay the whole kingdom at the mercy of the prince.

THE court of high commiſſion had been erected by Elizabeth, in conſequence of an act of parliament, paſſed in the beginning of her reign: By this act, it was thought proper, during the great revolution of religion, to arm the ſovereign with full powers, in order to diſcourage and ſuppreſs oppoſition. All appeals from the inferior eccleſiaſtical courts were carried before the high commiſſion; and, of conſequence, the whole life and doctrine of the clergy lay directly under its inſpection. Every breach of the act of uniformity, every refuſal of the ceremonies, was cognizable in this court; and during the reign of Elizabeth, had been puniſhed by deprivation, by fine, confiſcation, and impriſonment. James contented himſelf with the gentler penalty of deprivation; nor was that puniſhment inflicted with rigour on every offender. Archbiſhop Spotſwood tells us, that he was informed by Bancroft, the primate, ſeveral years after the king's acceſſion, that not above forty-five clergymen had then been deprived. All the catholics too were liable to be puniſhed by this court, if they exerciſed any act of their religion, or ſent abroad their children or other relations, to receive that education which they could not procure them in their own country. Popiſh prieſts were thrown into priſon, and might be delivered over to the law, which puniſhed them with death; though that ſeverity had been ſparingly exerciſed by Elizabeth, and never almoſt by James. In a word, that liberty of conſcience, which we ſo highly and ſo juſtly value at preſent, was totally ſuppreſſed; and no exerciſe of any religion, but the eſtabliſhed, was permitted throughout the kingdom. Any word or writing, which tended towards hereſy or ſchiſm, was puniſhable by the high commiſſioners or any three of them: They alone were judges what expreſſions had that tendency:

tendency: They proceeded not by information, but upon rumour, ſuſpicion, or according to their diſcretion: They adminiſtered an oath, by which the party cited before them, was bound to anſwer any queſtion which ſhould be propounded to him: Whoever refuſed this oath, though he pleaded ever ſo juſtly, that he might thereby be brought to accuſe himſelf or his deareſt friend, was puniſhable by impriſonment: And in ſhort, an inquiſitorial tribunal, with all its terrors and iniquities, was erected in the kingdom. Full diſcretionary powers were beſtowed with regard to the enquiry, trial, ſentence, and penalty inflicted; excepting only that corporal puniſhments were reſtrained by that patent of the prince, which erected the court, not by the act of parliament, which empowered him. By reaſon of the uncertain limits, which ſeparate eccleſiaſtical from civil cauſes, all accuſations of adultery and inceſt were tried by the court of high commiſſion; and every complaint of wives againſt their huſbands was there examined and diſcuſſed [o]. On like pretences, every cauſe which regarded conſcience, that is, every cauſe, could have been brought under their juriſdiction.

But there was a ſufficient reaſon, why the king would not be ſolicitous to ſtretch the juriſdiction of this court: The ſtar-chamber poſſeſſed the ſame authority in civil matters; and its methods of proceeding were equally arbitrary and unlimited. The origin of this court was derived from the moſt remote antiquity [p]; though it is pretended, that its power had firſt been carried to the greateſt height by Henry VII. In all times, however,

[o] Rymer, tom xvii. p. 200.

[p] Ruſhworth, vol. ii. p. 473. In Chambers's caſe it was the unanimous opinion of the court of King's Bench, that the court of ſtar-chamber was not derived from the ſtatute of Henry VII. but was a court many years before, and one of the moſt high and honourable courts of juſtice. See Coke's rep. term Mich. 5 Car. I. See further Camden's Brit. vol. i. Introd. p. 254. Edit. of Gibſon.

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it is confeſſed, it enjoyed authority; and at no time was its authority circumſcribed, or method of proceeding directed, by any law or ſtatute.

We have had already, or ſhall have ſufficient occaſion, during the courſe of this hiſtory, to mention the diſpenſing power, the power of impriſonment, of exacting loans [q] and benevolence, of preſſing and quartering ſoldiers, of altering the cuſtoms, of erecting monopolies. Theſe branches of power, if not directly oppoſite to the principles of all free government, muſt, at leaſt, be acknowledged dangerous to freedom in a monarchical conſtitution, where an eternal jealouſy muſt be preſerved againſt the ſovereign, and no diſcretionary powers muſt ever be entruſted to him, by which the property or perſonal liberty of any ſubject can be affected. The kings of England, however, had almoſt conſtantly exerciſed theſe powers; and if, on any occaſion, the prince had been obliged to ſubmit to laws enacted againſt them, he had ever, in practice, eluded theſe laws, and returned to the ſame arbitrary adminiſtration. During almoſt three centuries before the acceſſion of James, the regal authority, in all theſe particulars, had never once been called in queſtion.

We may alſo obſerve, that the principles in general which prevailed during that age, were ſo favourable to monarchy, that they beſtowed on it an authority almoſt abſolute and unlimited, ſacred and indefeaſible.

The meetings of parliament were ſo precarious; their ſeſſions ſo ſhort, compared to the vacations; that, when men's eyes were turned upwards in ſearch of ſovereign power, the prince alone was apt to ſtrike them as the only permanent magiſtrate, inveſted with the whole majeſty and authority of the ſtate. The great complaiſance too

[q] During ſeveral centuries, no reign had paſſed without ſome forced loans from the ſubject.

of

of parliaments, during ſo long a period, had extremely degraded and obſcured thoſe aſſemblies; and as all inſtances of oppoſition to prerogative muſt have been drawn from a remote age, they were unknown to a great many, and had the leſs authority even with thoſe who were acquainted with them. Theſe examples, beſides, of liberty had commonly, in ancient times, been accompanied with ſuch circumſtances of violence, convulſion, civil war, and diſorder, that they preſented but a diſagreeable idea to the inquiſitive part of the people, and afforded ſmall inducement to renew ſuch diſmal ſcenes. By a great many, therefore, monarchy, ſimple and unmixed, was conceived to be the government of England; and thoſe popular aſſemblies were ſuppoſed to form only the ornament of the fabric, without being, in any degree, eſſential to its being and exiſtence[r]. The prerogative of the crown was repreſented by lawyers as ſomething real and durable; like thoſe eternal eſſences of the ſchools, which no time or force could alter. The ſanction of religion was, by divines, called in aid; and the monarch of heaven was ſuppoſed to be intereſted in ſupporting the authority of his earthly vicegerent. And though it is pretended, that theſe doctrines were more openly inculcated and more ſtrenuouſly inſiſted on during the reign of the Stuarts, they were not then invented; and were only found by the court to be more neceſſary at that period, by reaſon of the oppoſite doctrines, which *began* to be promulgated by the puritanical party[s].

Appendix.

In conſequence of theſe exalted ideas of kingly authority, the prerogative, beſides the articles of juriſdiction founded on precedent, was, by many, ſuppoſed to poſſeſs an inexhauſtable fund of latent powers, which might be exerted on any emergence. In every government, neceſſity, when real, ſuperſedes all laws, and levels all limit-

[r] See note [Q] at the end of the volume.

[s] See note [R] at the end of the volume.

Appendix. ations: But in the Engliſh government, convenience alone was conceived to authorize any extraordinary act of regal power, and to render it obligatory on the people. Hence the ſtrict obedience required to proclamations, during all periods of the Engliſh hiſtory; and, if James has incurred blame on account of his edicts, it is only becauſe he too frequently iſſued them at a time, when they began to be leſs regarded, not becauſe he firſt aſſumed or extended to an unuſual degree that exerciſe of authority. Of his maxims in a parallel caſe, the following is a pretty remarkable inſtance.

QUEEN Elizabeth had appointed commiſſioners for the inſpection of priſons, and had beſtowed on them full diſcretionary powers to adjuſt all differences between priſoners and their creditors, to compound debts, and to give liberty to ſuch debtors as they found honeſt, and inſolvent. From the uncertain and undefined nature of the Engliſh conſtitution, doubts ſprang up in many, that this commiſſion was contrary to law; and it was repreſented in that light to James. He forebore therefore renewing the commiſſion, till the fifteenth of his reign; when complaints roſe ſo high, with regard to the abuſes practiſed in priſons, that he thought himſelf obliged to overcome his ſcruples, and to appoint new commiſſioners inveſted with the ſame diſcretionary powers which Elizabeth had formerly conferred[u].

UPON the whole, we muſt conceive that monarchy, on the acceſſion of the houſe of Stuart, was poſſeſſed of a very extenſive authority: An authority, in the judgment of all, not exactly limited; in the judgment of ſome, not limitable. But, at the ſame time, this authority was founded merely on the opinion of the people, influenced by ancient precedent and example. It was not ſupported either by money or by force of arms. And, for this reaſon, we need not wonder, that the

[u] Rymer, tom. xviii. p. 117. 594.

princes

princes of that line were ſo extremely jealous of their prerogative; being ſenſible, that, when thoſe claims were raviſhed from them, they poſſeſſed no influence, by which they could maintain their dignity, or ſupport the laws. By the changes which have ſince been introduced, the liberty and independence of individuals has been rendered much more full, intire, and ſecure; that of the public more uncertain and precarious. And it ſeems a neceſſary, though perhaps a melancholy truth, that, in every government, the magiſtrate muſt either poſſeſs a large revenue and a military force, or enjoy ſome diſcretionary powers, in order to execute the laws, and ſupport his own authority. Appendix.

Ecclesiastical government.

WE have had occaſion to remark, in ſo many inſtances, the bigotry which prevailed in that age, that we can look for no toleration among the different ſects. Two Arians, under the title of heretics, were puniſhed by fire during this period; and no one reign, ſince the reformation, had been free from like barbarities. Stowe ſays, that theſe Arians were offered their pardon at the ſtake, if they would merit it by a recantation. A madman, who called himſelf the Holy Ghoſt, was, without any indulgence for his frenzy, condemned to the ſame puniſhment. Twenty pounds a month could by law be levied on every one, who frequented not the eſtabliſhed worſhip. This rigorous law, however, had one indulgent clauſe, that the fines exacted ſhould not exceed two-thirds of the yearly income of the perſon. It had been uſual for Elizabeth to allow thoſe penalties to run on for ſeveral years; and to levy them all at once, to the utter ruin of ſuch catholics as had incurred her diſpleaſure. James was more humane in this, as in every other reſpect. The Puritans formed a ſect, which ſecretly lurked in the church, but pretended not to any ſeparate worſhip or diſcipline. An attempt of that kind

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would have been univerſally regarded as the moſt unpardonable enormity. And had the king been diſpoſed to grant the Puritans a full toleration for a ſeparate exerciſe of their religion, it is certain, from the ſpirit of the times, that this ſect itſelf would have deſpiſed and hated him for it, and would have reproached him with lukewarmneſs and indifference in the cauſe of religion. They maintained, that they themſelves were the only pure church; that their principles and practices ought to be eſtabliſhed by law; and that no others ought to be tolerated. It may be queſtioned, therefore, whether the adminiſtration at this time could with propriety deſerve the appellation of perſecutors with regard to the Puritans. Such of the clergy, indeed, as refuſed to comply with the legal ceremonies, were deprived of their livings, and ſometimes, in Elizabeth's reign, were otherwiſe puniſhed: And ought any man to accept of an office or benefice in an eſtabliſhment, while he declines compliance with the fixed and known rules of that eſtabliſhment? But Puritans were never puniſhed for frequenting ſeparate congregations; becauſe there were none ſuch in the kingdom; and no proteſtant ever aſſumed or pretended to the right of erecting them. The greateſt well-wiſhers of the puritanical ſect would have condemned a practice, which in that age was univerſally, by ſtateſmen and eccleſiaſtics, philoſophers and zealots, regarded as ſubverſive of civil ſociety. Even ſo great a reaſoner as lord Bacon, thought that uniformity in religion was abſolutely neceſſary to the ſupport of government, and that no toleration could with ſafety be given to ſectaries[w]. Nothing but the imputation of idolatry, which was thrown on the catholic religion, could juſtify, in the eyes of the Puritans themſelves, the ſchiſm made by the hugonots and other proteſtants, who lived in popiſh countries.

[w] See his eſſay *De unitate eccleſiæ.*

IN

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In all former ages, not wholly excepting even thoſe of Greece and Rome, religious ſects and hereſies and ſchiſms, had been eſteemed dangerous, if not pernicious to civil government, and were regarded as the ſource of faction, and private combination, and oppoſition to the laws[x]. The magiſtrate, therefore, applied himſelf directly to the cure of this evil as of every other; and very naturally attempted, by penal ſtatutes, to ſuppreſs thoſe ſeparate communities, and puniſh the obſtinate innovators. But it was found by fatal experience, and after ſpilling an ocean of blood in thoſe theological quarrels, that the evil was of a peculiar nature, and was both enflamed by violent remedies, and diffuſed itſelf more rapidly throughout the whole ſociety. Hence, though late, aroſe the paradoxical principle and ſalutary practice of toleration.

The liberty of the preſs was incompatible with ſuch maxims and ſuch principles of government as then prevailed, and was therefore quite unknown in that age. Beſides employing the two terrible courts of ſtar-chamber and high commiſſion, whoſe powers were unlimited, queen Elizabeth exerted her authority by reſtraints upon the preſs. She paſſed a decree in her court of ſtar-chamber, that is, by her own will and pleaſure, forbidding any book to be printed in any place but in London, Oxford, and Cambridge[y]: And another, in which ſhe prohibited, under ſevere penalties, the publiſhing of any book or pamphlet *againſt the form or meaning of any reſtraint or ordinance, contained, or to be contained, in any ſtatute or laws of this realm, or in any injunction made or ſet forth by her majeſty or her privy-council, or againſt the true ſenſe or meaning of any letters patent, commiſſions or prohibitions under the great ſeal of England*[z]. James extended the ſame penalties to the importing of ſuch books from

x See Cicero de legibus. y 28th of Elizabeth. See State Trials. Sir Robert Knightly, vol. vii. edit. 1ſt. z Rymer, tom. xvii. p. 522.

Appendix. abroad[z]. And to render theſe edicts more effectual, he afterwards inhibited the printing of any book without a licence from the archbiſhop of Canterbury, the archbiſhop of York, the biſhop of London, or the vice-chancellor of one of the univerſities, or of ſome perſon appointed by them[a].

In tracing the coherence among the ſyſtems of modern theology, we may obſerve, that the doctrine of abſolute decrees has ever been intimately connected with the enthuſiaſtic ſpirit; as that doctrine affords the higheſt ſubject of joy, triumph, and ſecurity to the ſuppoſed elect, and exalts them, by infinite degrees, above the reſt of mankind. All the firſt reformers adopted theſe principles; and the Janſeniſts too, a fanatical ſect in France, not to mention the Mahometans in Aſia, have ever embraced them. As the Lutheran eſtabliſhments were ſubjected to epiſcopal juriſdiction, their enthuſiaſtic genius gradually decayed, and men had leiſure to perceive the abſurdity of ſuppoſing God to puniſh, by infinite torments, what he himſelf, from all eternity, had unchangeably decreed. The king, though at this time his Calviniſtic education had rivetted him in the doctrine of abſolute decrees, yet, being a zealous partizan of epiſcopacy, was inſenſibly engaged, towards the end of his reign, to favour the milder theology of Arminius. Even in ſo great a doctor, the genius of the religion prevailed over its ſpeculative tenets; and with him, the whole clergy gradually dropped the more rigid principles of abſolute reprobation and unconditional decrees: Some noiſe was, at firſt, made about theſe innovations; but being drowned in the fury of factions and civil wars which enſued, the ſcholaſtic arguments made an inſignificant figure amidſt thoſe violent diſputes about civil and eccleſiaſtical power, with which the nation was agi-

[z] Id. Ibid. [a] Rymer, tom. xvii. p. 616.

tated.

tated. And at the reſtoration, the church, though ſhe ſtill retained her old ſubſcriptions and articles of faith, was found to have totally changed her ſpeculative doctrines, and to have embraced tenets more ſuitable to the genius of her diſcipline and worſhip, without its being poſſible to aſſign the preciſe period, in which the alteration was produced. Appendix.

It may be worth obſerving, that James, from his great deſire to promote controverſial divinity, erected a college at Chelſea for the entertainment of twenty perſons, who ſhould be entirely employed in refuting the papiſts and puritans[b]. All the efforts of the great Bacon could not procure an eſtabliſhment for the cultivation of natural philoſophy: Even to this day, no ſociety has been inſtituted for the poliſhing and fixing of our language. The only encouragement, which the ſovereign in England has ever given to any thing that has the appearance of ſcience, was this ſhort-lived eſtabliſhment of James; an inſtitution quite ſuperfluous, conſidering the unhappy propenſion, which, at that time, ſo univerſally poſſeſſed the nation for polemical theology.

The manners of the nation were agreeable to the monarchical government, which prevailed; and contained not that ſtrange mixture, which at preſent diſtinguiſhes England from all other countries. Such violent extremes were then unknown, of induſtry and debauchery, frugality and profuſion, civility and ruſticity, fanaticiſm and ſcepticiſm. Candour, ſincerity, modeſty are the only qualities which the Engliſh of that age poſſeſſed in common with the preſent. Manners,

High pride of family then prevailed; and it was by a dignity and ſtatelineſs of behaviour, that the gentry and nobility diſtinguiſhed themſelves from the common people. Great riches, acquired by commerce, were more rare, and had not as yet been able to confound all ranks of

[b] Kennet, p. 685. Camden's Brit. vol. i. p. 370. Gibſon's edit.

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men, and render money the chief foundation of diſtinction. Much ceremony took place in the common intercourſe of life, and little familiarity was indulged by the great. The advantages which reſult from opulence are ſo ſolid and real, that thoſe who are poſſeſſed of them need not dread the near approaches of their inferiors. The diſtinctions of birth and title, being more empty and imaginary, ſoon vaniſh upon familiar acceſs and acquaintance.

THE expences of the great conſiſted in pomp and ſhow, and a numerous retinue, rather than in convenience and true pleaſure. The earl of Nottingham, in his embaſſy to Spain, was attended by 500 perſons: The earl of Hertford, in that to Bruſſels, carried 300 gentlemen along with him. Lord Bacon has remarked, that the Engliſh nobility, in his time, maintained a larger retinue of ſervants than the nobility of any other nation, except, perhaps, the Polanders[c].

CIVIL honours, which now hold the firſt place, were, at that time, ſubordinate to the military. The young gentry and nobility were fond of diſtinguiſhing themſelves by arms. The fury of duels too prevailed more than at any time before or ſince[d]. This was the turn, that the romantic chivalry, for which the nation was formerly ſo renowned, had lately taken.

LIBERTY of commerce between the ſexes was indulged; but without any licentiouſneſs of manners. The court was very little an exception to this obſervation. James had rather entertained an averſion and contempt for the females; nor were thoſe young courtiers, of whom he was ſo fond, able to break through the eſtabliſhed manners of the nation.

THE firſt ſedan chair, ſeen in England, was in this reign, and was uſed by the duke of Buckingham; to

[c] Eſſays De profer. fin. imp. [d] Franklyn, p. 5. See alſo Lord Herbert's Memoirs.

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the great indignation of the people, who exclaimed, that he was employing his fellow-creatures to do the ſervice of beaſts. Appendix.

THE country life prevails at preſent in England beyond any cultivated nation of Europe; but it was then much more generally embraced by all the gentry. The encreaſe of arts, pleaſures, and ſocial commerce was juſt beginning to produce an inclination for the ſofter and the more civilized life of the city. James diſcouraged, as much as poſſible, this alteration of manners. "He was "wont to be very earneſt," as lord Bacon tells us, "with the country gentlemen to go from London to "their country ſeats. And ſometimes he would ſay "thus to them: *Gentlemen, at London, you are like ſhips "in a ſea, which ſhow like nothing; but in your country "villages, you are like ſhips in a river, which look like "great things*[e]."

HE was not content with reproof and exhortation. As queen Elizabeth had perceived, with regret, the encreaſe of London, and had reſtrained all new buildings by proclamation; James, who found that theſe edicts were not exactly obeyed, frequently renewed them; though a ſtrict execution ſeems ſtill to have been wanting. He alſo iſſued reiterated proclamations, in imitation of his predeceſſor; containing ſevere menaces againſt the gentry who lived in town[f]. This policy is contrary to that which has ever been practiſed by all princes who ſtudied the encreaſe of their authority. To allure the nobility to court; to engage them in expenſive pleaſures or employments, which diſſipate their fortune; to encreaſe their ſubjection to miniſters by attendance; to weaken their authority in the provinces by abſence: Theſe have been the common arts of arbitrary government. But James, beſides that he had certainly laid no plan for ex-

[e] Apophthegms. [f] Rymer, tom. xvii. p. 632.

tending

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tending his power, had no money to ſupport a ſplendid court, or beſtow on a numerous retinue of gentry and nobility. He thought too, that, by their living together, they became more ſenſible of their own ſtrength, and were apt to indulge too curious reſearches into matters of government. To remedy the preſent evil, he was deſirous of diſperſing them into their country-ſeats; where, he hoped, they would bear a more ſubmiſſive reverence to his authority, and receive leſs ſupport from each other. But the contrary effect ſoon followed. The riches, amaſſed during their reſidence at home, rendered them independent. The influence, acquired by hoſpitality, made them formidable. They would not be led by the court: They could not be driven: And thus the ſyſtem of the Engliſh government received a total and a ſudden alteration in the courſe of leſs than forty years.

THE firſt riſe of commerce and the arts had contributed, in preceding reigns, to ſcatter thoſe immenſe fortunes of the barons, which rendered them ſo formidable both to king and people. The farther progreſs of theſe advantages began, during this reign, to ruin the ſmall proprietors of land[s]; and, by both events, the gentry, or that rank which compoſed the houſe of commons, enlarged their power and authority. The early improvements in luxury were ſeized by the greater nobles, whoſe fortunes, placing them above frugality, or even calculation, were ſoon diſſipated in expenſive pleaſures. Theſe improvements reached at laſt all men of property; and thoſe of ſlender fortunes, who, at that time, were often men of family, imitating thoſe of a rank immediately above them, reduced themſelves to poverty. Their lands, coming to ſale, ſwelled the eſtates of thoſe, who poſſeſſed riches ſufficient for the faſhionable expences; but who were not exempted from ſome care and attention to their domeſtic œconomy.

s Cabbala, p. 224. firſt edit.

THE

THE gentry alſo of that age were engaged in no expence, except that of country hoſpitality. No taxes were levied, no wars waged, no attendance at court expected, no bribery or profuſion required at elections[h]. Could human nature ever reach happineſs, the condition of the Engliſh gentry, under ſo mild and benign a prince, might merit that appellation. Appendix.

THE amount of the king's revenue, as it ſtood in 1617, is thus ſtated[l]. Of crown lands, 80,000 pounds a-year; by cuſtoms and new impoſitions, near 190,000; by wards and other various branches of revenue, beſide purveyance, 180,000. The whole amounting to 450,000. The king's ordinary diſburſements, by the ſame account, are ſaid to exceed this ſum thirty-ſix thouſand pounds[k]. All the extraordinary ſums which James had raiſed by ſubſidies, loans, ſale of lands, ſale of the title of baronet, money paid by the ſtates, and by the king of France, benevolences, &c. were, in the whole, about two millions two hundred thouſand pounds: Of which the ſale of lands afforded ſeven hundred and ſeventy-five thouſand pounds. The extraordinary diſburſements of the king amounted to two millions; beſide above four hundred thouſand pounds given in preſents. Upon the whole, a ſufficient reaſon appears, partly from neceſſary expences, partly for want of a rigid œconomy, why the king, even early in his reign, was deeply involved in debt, and found great difficulty to ſupport the government. Finances.

[h] Men ſeem then to have been ambitious of repreſenting the counties, but careleſs of the boroughs. A ſeat in the houſe was, in itſelf, of ſmall importance: But the former became a point of honour among the gentlemen. Journ. 10 Feb. 1620. Towns, which had formerly neglected their right of ſending members, now began to claim it. Journ. 26 Feb. 1623.

[l] An abſtract, or brief declaration of his majeſty's revenue, with the aſſignations and defalcations upon the ſame.

[k] The exceſs was formerly greater, as appears by Saliſbury's account. See chap. 2.

FARMERS,

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FARMERS, not commiſſioners, levied the cuſtoms. It ſeems, indeed, requiſite, that the former method ſhould always be tried before the latter, though a preferable one. When men's own intereſt is concerned, they fall upon a hundred expedients to prevent frauds in the merchants; and theſe the public may afterwards imitate in eſtabliſhing proper rules for its officers.

THE cuſtoms were ſuppoſed to amount to five *per cent.* of the value, and were levied upon exports, as well as imports. Nay, the impoſition upon exports, by James's additions, is ſaid to amount, in ſome few inſtances, to twenty-five *per cent.* This practice, ſo hurtful to induſtry, prevails ſtill in France, Spain, and moſt countries of Europe. The cuſtoms in 1604, yielded 127,000 pounds a-year[1]: They roſe to 190,000 towards the end of the reign.

INTEREST, during this reign, was at ten *per cent.* till 1624, when it was reduced to eight. This high intereſt is an indication of the great profits and ſmall progreſs of commerce.

THE extraordinary ſupplies granted by parliament, during this whole reign, amounted not to more than 630,000 pounds; which, divided among twenty-one years, makes 30,000 pounds a year. I do not include thoſe ſupplies, amounting to 300,000 pounds, which were given to the king by his laſt parliament. Theſe were paid in to their own commiſſioners; and the expences of the Spaniſh war were much more than ſufficient to exhauſt them. The diſtreſſed family of the Palatine was a great burthen on James, during part of his reign. The king, it is pretended, poſſeſſed not frugality, proportioned to the extreme narrowneſs of his revenue. Splendid equipages, however, he did not affect, nor coſtly furniture, nor a luxurious table, nor prodigal miſtreſſes.

[1] Journ. 21 May, 1604.

His

His buildings too were not ſumptuous; though the Banqueting-houſe muſt not be forgotten, as a monument which does honour to his reign. Hunting was his chief amuſement, the cheapeſt pleaſure in which a king can indulge himſelf. His expences were the effects of liberality, rather than of luxury. Appendix.

ONE day, it is ſaid, while he was ſtanding amidſt ſome of his courtiers, a porter paſſed by loaded with money, which he was carrying to the treaſury. The king obſerved, that Rich, afterwards earl of Holland, one of his handſome agreeable favourites, whiſpered ſomething to one ſtanding near him. Upon enquiry, he found, that Rich had ſaid, *how happy would that money make me!* Without heſitation, James beſtowed it all upon him, though it amounted to 3000 pounds. He added, *You think yourſelf very happy in obtaining ſo large a ſum; but I am more happy, in having an opportunity of obliging a worthy man, whom I love.* The generoſity of James was more the reſult of a benign humour or light fancy, than of reaſon or judgment. The objects of it were ſuch as could render themſelves agreeable to him in his looſe hours; not ſuch as were endowed with great merit, or who poſſeſſed talents or popularity, which could ſtrengthen his intereſt with the public.

THE ſame advantage, we may remark, over the people, which the crown formerly reaped from that interval between the fall of the peers and the riſe of the commons, was now poſſeſſed by the people againſt the crown, during the continuance of a like interval. The ſovereign had already loſt that independent revenue, by which he could ſubſiſt without regular ſupplies from parliament; and he had not yet acquired the means of influencing thoſe aſſemblies. The effects of this ſituation, which commenced with the acceſſion of the houſe of Stuart, ſoon roſe to a great height, and

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and were more or leſs propagated throughout all the reigns of that unhappy family.

SUBSIDIES and fifteenths are frequently mentioned by hiſtorians; but neither the amount of theſe taxes, nor the method of levying them, have been well explained. It appears, that the fifteenths formerly correſponded to the name, and were that proportionable part of the moveables[m]. But a valuation having been made, in the reign of Edward III. that valuation was always adhered to, and each town paid unalterably a particular ſum, which the inhabitants themſelves aſſeſſed upon their fellow-citizens. The ſame tax in corporate towns was called a tenth; becauſe, there, it was, at firſt, a tenth of the moveables. The whole amount of a tenth and a fifteenth throughout the kingdom, or a fifteenth, as it is often more concifely called, was about 29,000 pounds[n]. The amount of a ſubſidy was not invariable, like that of a fifteenth. In the eighth of Elizabeth, a ſubſidy amounted to 120,000 pounds: In the fortieth, it was not above 78,000[o]. It afterwards fell to 70,000; and was continually decreaſing[p]. The reaſon is eaſily collected from the method of levying it. We may learn from the ſubſidy bills[q], that one ſubſidy was given for four ſhillings in the pound on land, and two ſhillings and eight-pence on moveables throughout the counties; a conſiderable tax, had it been ſtrictly levied. But this was only the ancient ſtate of a ſubſidy. During the reign of James, there was not paid the twentieth part of that ſum. The tax was ſo far perſonal, that a man paid only in the county where he lived, though he ſhould poſſeſs eſtates in other counties; and the aſſeſſors formed a looſe eſtimation of his property, and rated him accordingly. To preſerve,

m Coke's Inſt. book iv. chap. i. of fifteenths, quinzins. n Id. ſubſidies temporary. o Journ. 11 July 1610. p Coke's Inſt. book iv. chap. i. ſubſidies temporary. q See Statutes at Large.

however,

however, ſome rule in the eſtimation, it ſeems to have been the practice to keep an eye to former aſſeſſments, and to rate every man according as his anceſtors, or men of ſuch an eſtimated property, were accuſtomed to pay. This was a ſufficient reaſon, why ſubſidies could not encreaſe, notwithſtanding the great encreaſe of money and riſe of rents. But there was an evident reaſon, why they continually decreaſed. The favour, as is natural to ſuppoſe, ran always againſt the crown; eſpecially during the latter end of Elizabeth, when ſubſidies became numerous and frequent, and the ſums levied were conſiderable, compared to former ſupplies. The aſſeſſors, though accuſtomed to have an eye to ancient eſtimations, were not bound to obſerve any ſuch rule; but might rate anew any perſon, according to his preſent income. When rents fell, or part of an eſtate were ſold off, the proprietor was ſure to repreſent theſe loſſes, and obtain a diminution of his ſubſidy; but where rents roſe, or new lands were purchaſed, he kept his own ſecret, and paid no more than formerly. The advantage, therefore, of every change was taken againſt the crown; and the crown could obtain the advantage of none. And to make the matter worſe, the alterations, which happened in property during this age, were in general unfavourable to the crown. The ſmall proprietors, or twenty pound men, went continually to decay; and when their eſtates were ſwallowed up by a greater, the new purchaſer encreaſed not his ſubſidy. So looſe indeed is the whole method of rating ſubſidies, that the wonder was not how the tax ſhould continually diminiſh; but how it yielded any revenue at all. It became at laſt ſo unequal and uncertain, that the parliament was obliged to change it into a land tax. Appendix.

THE price of corn, during this reign, and that of the other neceſſaries of life, was no lower, or was rather higher than at preſent. By a proclamation of James, eſtabliſhing

Appendix.

eſtabliſhing public magazines, whenever wheat fell below thirty-two ſhillings a quarter, rye below eighteen, barley below ſixteen, the commiſſioners were empowered to purchaſe corn for the magazines[r]. Theſe prices then are to be regarded as low; though they would rather paſs for high by our preſent eſtimation. The uſual bread of the poor was at this time made of barley[s]. The beſt wool, during the greater part of James's reign, was at thirty-three ſhillings a tod[t]. At preſent, it is not above two-thirds of that value; though it is to be preſumed, that our exports in woollen goods are ſomewhat encreaſed. The finer manufactures too, by the progreſs of arts and induſtry, have rather diminiſhed in price, notwithſtanding the great encreaſe of money. In Shakeſpeare, the hoſteſs tells Falſtaff, that the ſhirts ſhe bought him were holland at eight ſhillings a-yard; a high price at this day, even ſuppoſing, what is not probable, that the beſt holland at that time was equal in goodneſs to the beſt that can now be purchaſed. In like manner, a yard of velvet, about the middle of Elizabeth's reign, was valued at two and twenty ſhillings. It appears from Dr. Birch's life of prince Henry[u], that that prince, by contract with his butcher, payed near a groat a-pound throughout the year for all the beef and mutton uſed in his family. Beſides, we muſt conſider, that the general turn of that age, which no laws could prevent, was the converting of arable land into paſture: A certain proof that the latter was found more profitable, and conſequently that all butcher's meat, as well as bread, was rather higher than at preſent. We have a regulation of the market with regard to poultry and ſome other articles, very early in Charles I.'s reign[w]; and the prices are high. A turkey cock four ſhillings and

[r] Rymer, tom. xvii. p. 526. To the ſame purpoſe, ſee alſo 21 Jac. vi. cap. 28. [s] Rymer, tom. xx. p. 15.

[t] See a compendium or dialogue inſerted in the Memoirs of Wool, chap. 23.

[u] P. 449. [w] Rymer, tom. xix. p. 511.

ſixpence,

ſixpence, a turkey hen three ſhillings, a pheaſant cock ſix, a pheaſant hen five, a partridge one ſhilling, a gooſe two, a capon two and ſixpence, a pullet one and ſixpence, a rabbit eight pence, a dozen of pigeons ſix ſhillings [x]. We muſt conſider, that London at preſent is more than three times more populous than it was at that time: A circumſtance which much encreaſes the price of poultry, and of every thing that cannot conveniently be brought from a diſtance: Not to mention, that theſe regulations by authority are always calculated to diminiſh, never to encreaſe, the market-prices. The contractors for victualing the navy were allowed by government eight pence a-day for the diet of each man when in harbour, ſeven pence halfpenny when at ſea [y]; which would ſuffice at preſent. The chief difference in expence between that age and the preſent conſiſts in the imaginary wants of men, which have ſince extremely multiplied. Theſe [z] are the principal reaſons why James's revenue would go farther than the ſame money in our time; though the difference is not near ſo great as is uſually imagined. Appendix.

THE public was entirely free from the danger and expence of a ſtanding army. While James was vaunting his divine vicegerency, and boaſting of his high prerogative, he poſſeſſed not ſo much as a ſingle regiment of guards to maintain his extenſive claims: A ſufficient proof that he ſincerely believed his pretenſions to be well grounded, and a ſtrong preſumption that they were at leaſt built on what were then deemed plauſible arguments. Arms.

x We may judge of the great grievance of purveyance by this circumſtance, that the purveyors often gave but ſixpence for a dozen of pigeons, and two pence for a fowl. Journ. 25 May, 1626.

y Rymer, tom. xvii. p. 441. et ſeq.

z This volume was written above twenty-eight years before the preſent edition of 1786. In that ſhort period, prices have perhaps riſen more, than during the preceding hundred and fifty.

Appendix. The militia of England, amounting to 160,000 men [a], was the ſole defence of the kingdom. It is pretended that they were kept in good order during this reign [b]. The city of London procured officers who had ſerved abroad, and who taught the trained bands their exerciſes in Artillery garden; a practice which had been diſcontinued ſince 1588. All the counties of England, in emulation of the capital, were fond of ſhowing a well-ordered and well appointed militia. It appeared, that the natural propenſity of men towards military ſhows and exerciſes will go far, with a little attention in the ſovereign, towards exciting and ſupporting this ſpirit in any nation. The very boys, at this time, in mimickry of their elders, inliſted themſelves voluntarily into companies, elected officers, and practiſed the diſcipline, of which the models were every day expoſed to their view [c]. Sir Edward Harwood, in a memorial compoſed at the beginning of the ſubſequent reign, ſays, that England was ſo unprovided with horſes fit for war, that 2000 men could not poſſibly be mounted throughout the whole kingdom [d]. At preſent, the breed of horſes is ſo much improved, that almoſt all thoſe which are employed, either in the plough, waggon, or coach, would be fit for that purpoſe.

The diſorders of Ireland obliged James to keep up ſome forces there, and put him to great expence. The common pay of a private man in the infantry was eight pence a-day, a lieutenant two ſhillings, an enſign eighteen pence [e]. The armies in Europe were not near ſo numerous during that age; and the private men, we may obſerve, were drawn from a better rank than at preſent, and approaching nearer to that of the officers.

[a] Journ. 1 March, 1623. [b] Stowe. See alſo Sir Walter Raleigh of the Prerogatives of Parliament, and Johnſtoni Hiſt. lib. xviii.

[c] Stowe. [d] In the Harleyan Miſcellany, vol. iv. p. 255.

[e] Rymer, tom. xvi. p. 717.

In

In the year 1583, there was a general review made of all the men in England capable of bearing arms; and theſe were found to amount to 1,172,000 men, according to Raleigh[f]. It is impoſſible to warrant the exactneſs of this computation; or, rather, we may fairly preſume it to be ſomewhat inaccurate. But if it approached near the truth, England has probably, ſince that time, encreaſed in populouſneſs. The growth of London, in riches and beauty, as well as in numbers of inhabitants, has been prodigious. From 1600, it doubled every forty years[g]; and, conſequently, in 1680, it contained four times as many inhabitants as at the beginning of the century. It has ever been the centre of all the trade in the kingdom; and almoſt the only town that affords ſociety and amuſement. The affection which the Engliſh bear to a country life makes the provincial towns be little frequented by the gentry. Nothing but the allurements of the capital, which is favoured by the reſidence of the king, and by being the ſeat of government, and of all the courts of juſtice, can prevail over their paſſion for their rural villas. Appendix.

London, at this time, was almoſt entirely built of wood, and in every reſpect was certainly a very ugly city. The earl of Arundel firſt introduced the general practice of brick buildings[h].

The navy of England was eſteemed formidable in Elizabeth's time, yet it conſiſted only of thirty-three ſhips, beſides pinnaces[i]: And the largeſt of theſe would not equal our fourth-rates at preſent. Raleigh adviſes never Navy.

[f] Of the invention of ſhipping. This number is much ſuperior to that contained in Murden, and that delivered by Sir Edward Coke to the houſe of commons; and is more likely.

[g] Sir William Petty. [h] Sir Edward Walker's Political Diſcourſes, p. 270. [i] Coke's Inſt. book iv. chap. 1. Conſultation in parliament for the navy.

Appendix. to build a ſhip of war above 600 tons [k]. James was not negligent of the navy. In five years preceding 1623, he built ten new ſhips, and expended fifty thouſand pounds a-year on the fleet, beſide the value of thirty-ſix thouſand pounds in timber, which he annually gave from the royal foreſts [l]. The largeſt ſhip that had ever come from the Engliſh docks was built during this reign. She was only 1400 tons, and carried ſixty-four guns [m]. The merchant ſhips, in caſes of neceſſity, were inſtantly converted into ſhips of war. The king affirmed to the parliament, that the navy had never before been in ſo good a condition [n].

Commerce. EVERY ſeſſion of parliament, during this reign, we meet with grievous lamentations concerning the decay of trade, and the growth of popery: Such violent propenſity have men to complain of the preſent times, and to entertain diſcontent againſt their fortune and condition. The king himſelf was deceived by theſe popular complaints, and was at a loſs to account for the total want of money, which he heard ſo much exaggerated [o]. It may, however, be affirmed, that, during no preceding period of Engliſh hiſtory, was there a more ſenſible encreaſe, than during the reign of this monarch, of all the advantages which diſtinguiſh a flouriſhing people. Not only the peace which he maintained was favourable to induſtry and commerce: His turn of mind inclined him to promote the peaceful arts: And trade being as yet in its infancy, all additions to it muſt have been the more evi-

[k] By Raleigh's account, in his diſcourſe of the firſt invention of ſhipping, the fleet, in the twenty-fourth of the queen, conſiſted only of thirteen ſhips, and was augmented afterwards eleven. He probably reckoned ſome to be pinnaces, which Coke called ſhips.

[l] Journ. 11 March, 1623. Sir William Monſon makes the number amount only to nine new ſhips, p. 253. [m] Stowe. [n] Parl. Hiſt. vol. vi. p. 94. [o] Rymer, tom. xvii. p. 413.

dent

dent to every eye, which was not blinded by melancholy prejudices [p]. Appendix.

By an account [q], which ſeems judicious and accurate, it appears, that all the ſeamen employed in the merchant ſervice amounted to 10,000 men, which probably exceeds not the fifth part of their preſent number. Sir Thomas Overbury ſays, that the Dutch poſſeſſed three times more ſhipping than the Engliſh, but that their ſhips were of inferior burden to thoſe of the latter [r]. Sir William Monſon computed the Engliſh naval power to be little or nothing inferior to the Dutch [s], which is ſurely an exaggeration. The Dutch at this time traded to England with 600 ſhips; England to Holland with ſixty only [t].

A CATALOGUE of the manufactures, for which the Engliſh were then eminent, would appear very contemptible, in compariſon of thoſe which flouriſh among them at preſent. Almoſt all the more elaborate and curious arts were only cultivated abroad, particularly in Italy, Holland, and the Netherlands. Ship-building, and the founding of iron cannon, were the ſole in which the Engliſh excelled. They ſeem, indeed, to have poſſeſſed alone the ſecret of the latter; and great complaints were made every parliament againſt the exportation of Engliſh ordnance. Manufactures.

NINE tenths of the commerce of the kingdom conſiſted in woollen goods [u]. Wool, however, was allowed to be exported, till the 19th of the king. Its exportation was then forbidden by proclamation; though that edict was never ſtrictly executed. Moſt of the cloth was exported raw, and was dyed and dreſſed by the Dutch; who gained, it is pretended, 700,000 pounds a-year by this

[p] See note [S] at the end of the volume. [q] The trade's encreaſe, in the Harleyan Miſc. vol. iii. [r] Remarks on his Travels, Harl. Miſc. vol. ii. p 349. [s] Naval Tracts, p. 329. 350. [t] Raleigh's Obſervations. [u] Journ. 26th May, 1621.

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manufacture[w]. A proclamation, iſſued by the king, againſt exporting cloth in that condition, had ſucceeded ſo ill, during one year, by the refuſal of the Dutch to buy the dreſſed cloth, that great murmurs aroſe againſt it; and this meaſure was retracted by the king, and complained of by the nation, as if it had been the moſt impolitic in the world. It ſeems indeed to have been premature.

In ſo little credit was the fine Engliſh cloth even at home, that the king was obliged to ſeek expedients, by which he might engage the people of faſhion to wear it[x]. The manufacture of fine linen was totally unknown in the kingdom[y].

The company of merchant-adventurers, by their patent, poſſeſſed the ſole commerce of woollen goods, though the ſtaple commodity of the kingdom. An attempt, made during the reign of Elizabeth, to lay open this important trade, had been attended with bad conſequences for a time, by a conſpiracy of the merchant-adventurers, not to make any purchaſes of cloth; and the queen immediately reſtored them their patent.

It was the groundleſs fear of a like accident, that enſlaved the nation to thoſe excluſive companies, which confined ſo much every branch of commerce and induſtry. The parliament, however, annulled, in the third of the king, the patent of the Spaniſh company; and the trade to Spain, which was, at firſt, very inſignificant, ſoon became the moſt conſiderable in the kingdom. It is

[w] Journ. 20 May, 1614. Raleigh, in his obſervations, computes the loſs at 400,000 pounds to the nation. There are about 80,000 undreſſed cloths, ſays he, exported yearly. He computes, beſides, that about 100,000 pounds a-year has been loſt by kerſies; not to mention other articles. The account of 200,000 cloths a-year exported in Elizabeth's reign, ſeems to be exaggerated.

[x] Rymer, tom. xvii. p. 415. [y] Id. ibid.

ſtrange,

ſtrange, that they were not thence encouraged to aboliſh all the other companies, and that they went no farther than obliging them to enlarge their bottom, and to facilitate the admiſſion of new adventurers. Appendix.

A BOARD of trade was erected by the king in 1622[z]. One of the reaſons aſſigned in the commiſſion, is to remedy the low price of wool, which begat complaints of the decay of the woollen manufactory. It is more probable, however, that this fall of prices proceeded from the encreaſe of wool. The king likewiſe recommends it to the commiſſioners to enquire and examine, whether a greater freedom of trade, and an exemption from the reſtraint of excluſive companies, would not be beneficial. Men were then fettered by their own prejudices; and the king was juſtly afraid of embracing a bold meaſure, whoſe conſequences might be uncertain. The digeſting of a navigation act, of a like nature with the famous one executed afterwards by the republican parliament, is likewiſe recommended to the commiſſioners. The arbitrary powers, then commonly aſſumed by the privy-council, appear evidently through the whole tenor of the commiſſion.

THE ſilk manufacture had no footing in England: But, by James's direction, mulberry-trees were planted, and ſilk-worms introduced[a]. The climate ſeems unfavourable to the ſucceſs of this project. The planting of hops encreaſed much in England during this reign.

GREENLAND is thought to have been diſcovered about this period; and the whale-fiſhery was carried on with ſucceſs: But the induſtry of the Dutch, in ſpite of all oppoſition, ſoon deprived the Engliſh of this ſource of riches. A company was erected for the diſcovery of the north-weſt paſſage; and many fruitleſs attempts were made for that purpoſe. In ſuch noble projects, deſpair

z Rymer, tom. xvii. p. 410. a Stowe.

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ought never to be admitted, till the abſolute impoſſibility of ſucceſs be fully aſcertained.

THE paſſage to the Eaſt Indies had been opened to the Engliſh during the reign of Elizabeth; but the trade to thoſe parts was not entirely eſtabliſhed till this reign, when the Eaſt India company received a new patent, enlarged their ſtock to 1,500,000 pounds [b], and fitted out ſeveral ſhips on theſe adventures. In 1609 they built a veſſel of 1200 ton, the largeſt merchant ſhip that England had ever known. She was unfortunate, and periſhed by ſhipwreck. In 1611, a large ſhip of the company, aſſiſted by a pinnace, maintained five ſeveral engagements with a ſquadron of Portugueſe, and gained a complete victory over forces much ſuperior. During the following years the Dutch company was guilty of great injuries towards the Engliſh, in expelling many of their factors, and deſtroying their ſettlements: But theſe violences were reſented with a proper ſpirit by the court of England. A naval force was equipped under the earl of Oxford [c], and lay in wait for the return of the Dutch Eaſt India fleet. By reaſon of croſs winds, Oxford failed of his purpoſe, and the Dutch eſcaped. Some time after, one rich ſhip was taken by vice-admiral Merwin; and it was ſtipulated by the Dutch to pay 70,000 pounds to the Engliſh company, in conſideration of the loſſes which that company had ſuſtained [d]. But neither this ſtipulation, nor the fear of repriſals, nor the ſenſe of that friendſhip which ſubſiſted between England and the States, could reſtrain the avidity of the Dutch company, or render them equitable in their proceedings towards their allies. Impatient to have the ſole poſſeſſion of the ſpice trade, which the Engliſh then ſhared with them, they aſſumed a juriſdiction over a factory of the latter in

[b] Journ. 26th Nov. 1621. [c] In 1622. [d] Johnſtoni Hiſt. lib. 19.

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the iſland of Amboyna; and on very improbable, and even abſurd pretences, ſeized all the factors, with their families, and put them to death with the moſt inhuman tortures. This diſmal news arrived in England at the time when James, by the prejudices of his ſubjects, and the intrigues of his favourite, was conſtrained to make a breach with Spain; and he was obliged, after ſome remonſtrances, to acquieſce in this indignity from a ſtate, whoſe alliance was now become neceſſary to him. It is remarkable, that the nation, almoſt without a murmur, ſubmitted to this injury from their proteſtant confederates; an injury which, beſides the horrid enormity of the action, was of much deeper importance to national intereſt, than all thoſe which they were ſo impatient to reſent from the houſe of Auſtria. Appendix.

THE exports of England from Chriſtmas 1612 to Chriſtmas 1613 are computed at 2,487,435 pounds: The imports at 2,141,151: So that the balance in favour of England was 346,284 [e]. But in 1622 the exports were 2,320,436 pounds; the imports 2,619,315; which makes a balance of 298,879 pounds againſt England [f]. The coinage of England from 1599 to 1619 amounted to 4,779,314 pounds 13 ſhillings and 4 pence [g]: A proof that the balance in the main was conſiderably in favour of the kingdom. As the annual imports and exports together roſe to near five millions, and the cuſtoms never yielded ſo much as 200,000 pounds a-year, of which tonnage made a part, it appears, that the new rates, affixed by James, did not, on the whole, amount to one ſhilling in the pound, and conſequently were ſtill inferior to the intention of the original grant of parliament. The Eaſt India company uſually carried out a third of their cargo in commodities [h]. The trade to

[e] Miſſelden's Circle of Commerce, p. 121. [f] Id. ibid. [g] Happy future State of England, p. 78. [h] Munn's Diſcourſe on the Eaſt India Trade,

Turkey

Appendix. Turkey was one of the moſt gainful to the nation[g]. It appears that copper halfpence and farthings began to be coined in this reign[h]. Tradeſmen had commonly carried on their retail buſineſs chiefly by means of leaden tokens. The ſmall ſilver penny was ſoon loſt, and at this time was no where to be found.

Colonies. WHAT chiefly renders the reign of James memorable, is the commencement of the Engliſh colonies in America; colonies eſtabliſhed on the nobleſt footing that has been known in any age or nation. The Spaniards, being the firſt diſcoverers of the new world, immediately took poſſeſſion of the precious mines which they found there; and, by the allurement of great riches, they were tempted to depopulate their own country, as well as that which they conquered; and added the vice of ſloth to thoſe of avidity and barbarity, which had attended their adventurers in thoſe renowned enterprizes. That fine coaſt was entirely neglected, which reaches from St. Auguſtin to Cape Breton, and which lies in all the temperate climates, is watered by noble rivers, and offers a fertile ſoil, but nothing more, to the induſtrious planter. Peopled gradually from England by the neceſſitous and indigent, who, at home, encreaſed neither wealth nor populouſneſs, the colonies, which were planted along that tract, have promoted the navigation, encouraged the induſtry, and even perhaps multiplied the inhabitants of their mother-country. The ſpirit of independency, which was reviving in England, here ſhone forth in its full luſtre, and received new acceſſion from the aſpiring character of thoſe, who, being diſcontented with the eſtabliſhed church and monarchy, had ſought for freedom amidſt thoſe ſavage deſarts.

QUEEN Elizabeth had done little more than given a name to the continent of Virginia; and, after her plant-

[g] Munn's Diſcourſe on the Eaſt India Trade, p. 17. [h] Anderſon, vol. i. p. 447.

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ing one feeble colony, which quickly decayed, that country was entirely abandoned. But when peace put an end to the military enterprizes againſt Spain, and left ambitious ſpirits no hopes of making any longer ſuch rapid advances towards honour and fortune, the nation began to ſecond the pacific intentions of its monarch, and to ſeek a ſurer, though ſlower expedient, for acquiring riches and glory. In 1606, Newport carried over a colony, and began a ſettlement; which the company erected by patent for that purpoſe in London and Briſtol, took care to ſupply with yearly recruits of proviſions, utenſils, and new inhabitants. About 1609, Argal diſcovered a more direct and ſhorter paſſage to Virginia, and left the tract of the ancient navigators, who had firſt directed their courſe ſouthwards to the tropic, ſailed weſtward by means of the trade-winds, and then turned northward, till they reached the Engliſh ſettlements. The ſame year, five hundred perſons under Sir Thomas Gates and Sir George Somers were embarked for Virginia. Somers's ſhip, meeting with a tempeſt, was driven into the Bermudas, and laid the foundation of a ſettlement in thoſe iſlands. Lord Delawar afterwards undertook the government of the Engliſh colonies: But notwithſtanding all his care, ſeconded by ſupplies from James, and by money raiſed from the firſt lottery ever known in the kingdom, ſuch difficulties attended the ſettlement of theſe countries, that, in 1614, there were not alive more than 400 men, of all that had been ſent thither. After ſupplying themſelves with proviſions more immediately neceſſary for the ſupport of life, the new planters began the cultivating of tobacco; and James, notwithſtanding his antipathy to that drug, which he affirmed to be pernicious to men's morals as well as their health [k], gave Appendix.

[k] Rymer, tom. xvii. p. 621.

them

Appendix. them permiſſion to enter it in England; and he inhibited by proclamation all importation of it from Spain[1]. By degrees, new colonies were eſtabliſhed in that continent, and gave new names to the places where they ſettled, leaving that of Virginia to the province firſt planted. The iſland of Barbadoes was alſo planted in this reign.

SPECULATIVE reaſoners, during that age, raiſed many objections to the planting of thoſe remote colonies; and foretold, that, after draining their mother-country of inhabitants, they would ſoon ſhake off her yoke, and erect an independent government in America: But time has ſhewn, that the views, entertained by thoſe who encouraged ſuch generous undertakings, were more juſt and ſolid. A mild government and great naval force have preſerved, and may ſtill preſerve during ſome time, the dominion of England over her colonies. And ſuch advantages have commerce and navigation reaped from theſe eſtabliſhments, that more than a fourth of the Engliſh ſhipping is at preſent computed to be employed in carrying on the traffic with the American ſettlements.

AGRICULTURE was anciently very imperfect in England. The ſudden tranſitions, ſo often mentioned by hiſtorians, from the loweſt to the higheſt price of grain, and the prodigious inequality of its value in different years, are ſufficient proofs, that the produce depended entirely on the ſeaſons, and that art had as yet done nothing to fence againſt the injuries of the heavens. During this reign, conſiderable improvements were made, as in moſt arts, ſo in this, the moſt beneficial of any. A numerous catalogue might be formed of books and pamphlets treating of huſbandry, which were written about this time. The nation, however, was ſtill dependent on

[1] Rymer, tom. xviii. p. 621. 633.

foreigners

foreigners for daily bread; and though its exportation of grain now forms a conſiderable branch of its commerce, notwithſtanding its probable encreaſe of people, there was, in that period, a regular importation from the Baltic as well as from France; and if it ever ſtopped, the bad conſequences were ſenſibly felt by the nation. Sir Walter Raleigh in his obſervations computes, that two millions went out at one time for corn. It was not till the fifth of Elizabeth, that the exportation of corn had been allowed in England; and Camden obſerves, that agriculture, from that moment, received new life and vigour. Appendix.

THE endeavours of James, or, more properly ſpeaking, thoſe of the nation, for promoting trade, were attended with greater ſucceſs than thoſe for the encouragement of learning. Though the age was by no means deſtitute of eminent writers, a very bad taſte in general prevailed during that period; and the monarch himſelf was not a little infected with it.

ON the origin of letters among the Greeks, the genius of poets and orators, as might naturally be expected, was diſtinguiſhed by an amiable ſimplicity, which, whatever rudeneſs may ſometimes attend it, is ſo fitted to expreſs the genuine movements of nature and paſſion, that the compoſitions poſſeſſed of it muſt ever appear valuable to the diſcerning part of mankind. The glaring figures of diſcourſe, the pointed antitheſis, the unnatural conceit, the jingle of words; ſuch falſe ornaments were not employed by early writers; not becauſe they were rejected, but becauſe they ſcarcely ever occurred to them. An eaſy, unforced ſtrain of ſentiment runs through their compoſitions; though at the ſame time we may obſerve, that, amidſt the moſt elegant ſimplicity of thought and expreſſion, one is ſometimes ſurpriſed to meet with a poor conceit, which had preſented itſelf unſought for, and which the author had not acquired critical obſervation Learning and arts.

Appendix. enough to condemn [m]. A bad taſte ſeizes with avidity theſe frivolous beauties, and even perhaps a good taſte, ere furfeited by them: They multiply every day more and more in the faſhionable compoſitions: Nature and good ſenſe are neglected: Laboured ornaments ſtudied and admired: And a total degeneracy of ſtyle and language prepares the way for barbariſm and ignorance. Hence the Aſiatic manner was found to depart ſo much from the ſimple purity of Athens: Hence that tinſel eloquence, which is obſervable in many of the Roman writers, from which Cicero himſelf is not wholly exempted, and which ſo much prevails in Ovid, Seneca, Lucan, Martial, and the Plinys.

On the revival of letters, when the judgment of the public is yet raw and unformed, this falſe gliſter catches the eye, and leaves no room, either in eloquence or poetry, for the durable beauties of ſolid ſenſe and lively paſſion. The reigning genius is then diametrically oppoſite to that which prevails on the firſt origin of arts. The Italian writers, it is evident, even the moſt celebrated, have not reached the proper ſimplicity of thought and compoſition; and in Petrarch, Taſſo, Guarini, frivolous witticiſms and forced conceits are but too predominant. The period, during which letters were cultivated in Italy, was ſo ſhort as ſcarcely to allow leiſure for correcting this adulterated reliſh.

The more early French writers are liable to the ſame reproach. Voiture, Balzac, even Corneille, have too

[m] The name of Polynices, one of Oedipus's ſons, means in the original *much quarrelling*. In the altercations between the two brothers, in Æſchylus, Sophocles, and Euripides, this conceit is employed; and it is remarkable, that ſo poor a conundrum could not be rejected by any of theſe three poets, ſo juſtly celebrated for their taſte and ſimplicity. What could Shakeſpeare have done worſe? Terence has his *inceptio eſt amentium, non amantium*. Many ſimilar inſtances will occur to the learned. It is well known that Ariſtotle treats very ſeriouſly of puns, divides them into ſeveral claſſes, and recommends the uſe of them to orators.

much

much affected thoſe ambitious ornaments, of which the Italians in general, and the leaſt pure of the ancients, ſupplied them with ſo many models. And it was not till late, that obſervation and reflection gave riſe to a more natural turn of thought and compoſition among that elegant people. Appendix.

A LIKE character may be extended to the firſt Engliſh writers; ſuch as flouriſhed during the reigns of Elizabeth and James, and even till long afterwards. Learning, on its revival in this iſland, was attired in the ſame unnatural garb which it wore at the time of its decay among the Greeks and Romans. And, what may be regarded as a misfortune, the Engliſh writers were poſſeſſed of great genius before they were endowed with any degree of taſte, and by that means gave a kind of ſanction to thoſe forced turns and ſentiments which they ſo much affected. Their diſtorted conceptions and expreſſions are attended with ſuch vigour of mind, that we admire the imagination which produced them, as much as we blame the want of judgment which gave them admittance. To enter into an exact criticiſm of the writers of that age, would exceed our preſent purpoſe. A ſhort character of the moſt eminent, delivered with the ſame freedom which hiſtory exerciſes over kings and miniſters, may not be improper. The national prepoſſeſſions, which prevail, will perhaps render the former liberty not the leaſt perilous for an author.

IF Shakeſpeare be conſidered as a MAN, born in a rude age, and educated in the loweſt manner, without any inſtruction, either from the world or from books, he may be regarded as a prodigy: If repreſented as a POET, capable of furniſhing a proper entertainment to a refined or intelligent audience, we muſt abate much of this eulogy. In his compoſitions, we regret, that many irregularities, and even abſurdities, ſhould ſo frequently diſfigure the animated

Appendix.

mated and paſſionate ſcenes intermixed with them; and at the ſame time, we perhaps admire the more thoſe beauties, on account of their being ſurrounded with ſuch deformities. A ſtriking peculiarity of ſentiment, adapted to a ſingular character, he frequently hits, as it were by inſpiration; but a reaſonable propriety of thought he cannot for any time uphold. Nervous and picturesque expreſſions, as well as deſcriptions, abound in him; but it is in vain we look either for purity or ſimplicity of diction. His total ignorance of all theatrical art and conduct, however material a defect; yet, as it affects the ſpectator, rather than the reader, we can more eaſily excuſe, than that want of taſte which often prevails in his productions, and which gives way, only by intervals, to the irradiations of genius. A great and fertile genius he certainly poſſeſſed, and one enriched equally with a tragic and comic vein; but he ought to be cited as a proof, how dangerous it is to rely on theſe advantages alone for attaining an excellence in the finer arts[n]. And there may even remain a ſuſpicion, that we over-rate, if poſſible, the greatneſs of his genius; in the ſame manner as bodies often appear more gigantic, on account of their being diſproportioned and miſhapen. He died in 1616, aged 53 years.

JOHNSON poſſeſſed all the learning which was wanting to Shakeſpeare, and wanted all the genius of which the other was poſſeſſed. Both of them were equally deficient in taſte and elegance, in harmony and correctneſs. A ſervile copyiſt of the ancients, Johnſon tranſlated into bad Engliſh the beautiful paſſages of the Greek and Roman authors, without accommodating them to the manners of his age and country. His merit has been totally eclipſed by that of Shakeſpeare, whoſe rude genius prevailed over the rude art of his cotemporary. The Engliſh theatre

[n] *Invenire etiam barbari ſolent, diſponere et ornare non niſi eruditus.* PLIN.

has

has ever ſince taken a ſtrong tincture of Shakeſpeare's ſpirit and character; and thence it has proceeded, that the nation has undergone from all its neighbours, the reproach of barbariſm, from which its valuable productions in ſome other parts of learning would otherwiſe have exempted it. Johnſon had a penſion of a hundred marks from the king, which Charles afterwards augmented to a hundred pounds. He died in 1637, aged 63. Appendix.

FAIRFAX has tranſlated Taſſo with an elegance and eaſe, and, at the ſame time, with an exactneſs, which, for that age, are ſurpriſing. Each line in the original is faithfully rendered by a correſpondent line in the tranſlation. Harrington's tranſlation of Arioſto is not likewiſe without its merit. It is to be regretted, that theſe poets ſhould have imitated the Italians in their ſtanza, which has a prolixity and uniformity in it that diſpleaſes in long performances. They had otherwiſe, as well as Spenſer, who went before them, contributed much to the poliſhing and refining of Engliſh verſification.

IN Donne's ſatires, when carefully inſpected, there appear ſome flaſhes of wit and ingenuity; but theſe totally ſuffocated and buried by the hardeſt and moſt uncouth expreſſion that is any-where to be met with.

IF the poetry of the Engliſh was ſo rude and imperfect during that age, we may reaſonably expect that their proſe would be liable to ſtill greater objections. Though the latter appears the more eaſy, as it is the more natural method of compoſition; it has ever in practice been found the more rare and difficult; and there ſcarcely is an inſtance, in any language, that it has reached a degree of perfection, before the refinement of poetical numbers and expreſſion. Engliſh proſe, during the reign of James, was written with little regard to the rules of grammar, and with a total diſregard to the elegance and harmony of the period. Stuffed with Latin ſentences and quotations, it

Appendix. likewiſe imitated thoſe inverſions, which, however forcible and graceful in the ancient languages, are entirely contrary to the idiom of the Engliſh. I ſhall indeed venture to affirm, that, whatever uncouth phraſes and expreſſions occur in old books, they were chiefly owing to the unformed taſte of the author; and that the language, ſpoken in the courts of Elizabeth and James, was very little different from that which we meet with at preſent in good company. Of this opinion, the little ſcraps of ſpeeches which are found in the parliamentary journals, and which carry an air ſo oppoſite to the laboured orations, ſeem to be a ſufficient proof; and there want not productions of that age, which, being written by men who were not authors by profeſſion, retain a very natural manner, and may give us ſome idea of the language which prevailed among men of the world. I ſhall particularly mention Sir John Davis's diſcovery, Throgmorton's, Eſſex's, and Nevil's letters. In a more early period, Cavendiſh's life of cardinal Wolſey, the pieces that remain of biſhop Gardiner, and Anne Boleyn's letter to the king, differ little or nothing from the language of our time.

The great glory of literature in this iſland, during the reign of James, was lord Bacon. Moſt of his performances were compoſed in Latin; though he poſſeſſed neither the elegance of that, nor of his native tongue. If we conſider the variety of talents diſplayed by this man; as a public ſpeaker, a man of buſineſs, a wit, a courtier, a companion, an author, a philoſopher; he is juſtly the object of great admiration. If we conſider him merely as an author and philoſopher, the light in which we view him at preſent, though very eſtimable, he was yet inferior to his cotemporary Galilæo, perhaps even to Kepler. Bacon pointed out at a diſtance the road to true philoſophy: Galilæo both pointed it out to others, and made himſelf

himſelf conſiderable advances in it. The Engliſhman was ignorant of geometry: The Florentine revived that ſcience, excelled in it, and was the firſt that applied it, together with experiment, to natural philoſophy. The former rejected, with the moſt poſitive diſdain, the ſyſtem of Copernicus: The latter fortified it with new proofs, derived both from reaſon and the ſenſes. Bacon's ſtyle is ſtiff and rigid: His wit, though often brilliant, is alſo often unnatural and far-fetched; and he ſeems to be the original of thoſe pointed ſimilies and long-ſpun allegories, which ſo much diſtinguiſh the Engliſh authors: Galilæo is a lively and agreeable, though ſomewhat a prolix writer. But Italy, not united in any ſingle government, and perhaps ſatiated with that literary glory which it has poſſeſſed both in ancient and modern times, has too much neglected the renown which it has acquired, by giving birth to ſo great a man. That national ſpirit which prevails among the Engliſh, and which forms their great happineſs, is the cauſe why they beſtow on all their eminent writers, and on Bacon among the reſt, ſuch praiſes and acclamations, as may often appear partial and exceſſive. He died in 1626, in the 66th year of his age. Appendix.

If the reader of Raleigh's hiſtory can have the patience to wade through the Jewiſh and Rabbinical learning which compoſe the half of the volume, he will find, when he comes to the Greek and Roman ſtory, that his pains are not unrewarded. Raleigh is the beſt model of that ancient ſtyle, which ſome writers would affect to revive at preſent. He was beheaded in 1618, aged 66 years.

Camden's hiſtory of queen Elizabeth may be eſteemed good compoſition, both for ſtyle and matter. It is written with ſimplicity of expreſſion, very rare in that age, and with a regard to truth. It would not perhaps be too much

Appendix.

much to affirm, that it is among the beſt hiſtorical productions which have yet been compoſed by any Engliſhman. It is well known that the Engliſh have not much excelled in that kind of literature. He died in 1623, aged 73 years.

We ſhall mention the king himſelf at the end of theſe Engliſh writers; becauſe that is *his* place, when conſidered as an author. It may ſafely be affirmed, that the mediocrity of James's talents in literature, joined to the great change in national taſte, is one cauſe of that contempt under which his memory labours, and which is often carried by party-writers to a great extreme. It is remarkable, how different from ours were the ſentiments of the ancients with regard to learning. Of the firſt twenty Roman emperors, counting from Cæſar to Severus, above the half were authors; and though few of them ſeem to have been eminent in that profeſſion, it is always remarked to their praiſe, that, by their example, they encouraged literature. Not to mention Germanicus, and his daughter Agrippina, perſons ſo nearly allied to the throne, the greater part of the claſſic writers, whoſe works remain, were men of the higheſt quality. As every human advantage is attended with inconveniences, the change of men's ideas in this particular may probably be aſcribed to the invention of printing; which has rendered books ſo common, that even men of ſlender fortunes can have acceſs to them.

That James was but a middling writer, may be allowed: That he was a contemptible one, can by no means be admitted. Whoever will read his Baſilicon Doron, particularly the two laſt books, the true law of free monarchies, his anſwer to cardinal Perron, and almoſt all his ſpeeches and meſſages to parliament, will confeſs him to have poſſeſſed no mean genius. If he wrote concerning witches and apparitions; who, in that age, did not admit

admit the reality of theſe fictitious beings? If he has compoſed a commentary on the Revelations, and proved the Pope to be Antichriſt; may not a ſimilar reproach be extended to the famous Napier; and even to Newton, at a time when learning was much more advanced than during the reign of James? From the groſſneſs of its ſuperſtitions, we may infer the ignorance of an age; but never ſhould pronounce concerning the folly of an individual, from his admitting popular errors, conſecrated by the appearance of religion. Appendix.

SUCH a ſuperiority do the purſuits of literature poſſeſs above every other occupation, that even he who attains but a mediocrity in them, merits the pre-eminence above thoſe that excel the moſt in the common and vulgar profeſſions. The ſpeaker of the houſe of commons is uſually an eminent lawyer; yet the harangue of his Majeſty will always be found much ſuperior to that of the ſpeaker, in every parliament during this reign.

EVERY ſcience, as well as polite literature, muſt be conſidered as being yet in its infancy. Scholaſtic learning and polemical divinity retarded the growth of all true knowledge. Sir Henry Saville, in the preamble of that deed by which he annexed a ſalary to the mathematical and aſtronomical profeſſors in Oxford, ſays, that geometry was almoſt totally abandoned and unknown in England [o]. The beſt learning of that age was the ſtudy of the ancients. Caſaubon, eminent for this ſpecies of knowledge, was invited over from France by James, and encouraged by a penſion of 300l. a-year, as well as by church preferments [p]. The famous Antonio di Dominis, archbiſhop of Spalatro, no deſpicable philoſopher, came likewiſe into England, and afforded great triumph to the nation, by their gaining ſo conſiderable a proſelyte from

[o] Rymer, tom. xvii. p. 217. [p] Ibid. p. 709.

Appendix. the papiſts. But the mortification followed ſoon after: The archbiſhop, though advanced to ſome eccleſiaſtical preferments [q], received not encouragement ſufficient to ſatisfy his ambition: He made his eſcape into Italy, where he died in confinement.

[q] Rymer, tom. xvii. p. 35.

CHARLES I.

CHAP. L.

A parliament at Weſtminſter—At Oxford—Naval expedition againſt Spain——Second parliament—— Impeachment of Buckingham——Violent meaſures of the court——War with France——Expedition to the iſle of Rhé.

NO ſooner had Charles taken into his hands the reins of government, than he ſhowed an impatience to aſſemble the great council of the nation; and he would gladly, for the ſake of diſpatch, have called together the ſame parliament, which had ſitten under his father, and which lay at that time under prorogation. But being told that this meaſure would appear unuſual, he iſſued writs for ſummoning a new parliament on the 7th of May; and it was not without regret that the arrival of the princeſs Henrietta, whom he had eſpouſed by proxy, obliged him to delay, by repeated prorogations, their meeting till the eighteenth of June, when they aſſembled at Weſtminſter for the diſpatch of buſineſs. The young prince, unexperienced and impolitic, regarded as ſincere all the praiſes and careſſes with which he had been loaded, while active in procuring the rupture with the houſe of Auſtria. And beſides that he laboured under great neceſſities, he haſtened with alacrity to a period when he might receive the moſt undoubted teſtimony of the

CHAP. L.

1625. 27th March

A parliament at Weſtminſter. 18th June.

CHAP. L.

1625.

dutiful attachment of his ſubjects. His diſcourſe to the parliament was full of ſimplicity and cordiality. He lightly mentioned the occaſion which he had for ſupply [r]. He employed no intrigue to influence the ſuffrages of the members. He would not even allow the officers of the crown, who had ſeats in the houſe, to mention any particular ſum which might be expected by him. Secure of the affections of the commons, he was reſolved that their bounty ſhould be entirely their own deed; unaſked, unſolicited; the genuine fruit of ſincere confidence and regard.

THE houſe of commons accordingly took into conſideration the buſineſs of ſupply. They knew that all the money granted by the laſt parliament had been expended on naval and military armaments; and that great anticipations were likewiſe made on the revenues of the crown. They were not ignorant that Charles was loaded with a large debt, contracted by his father, who had borrowed money both from his own ſubjects, and from foreign princes. They had learned by experience, that the public revenue could with difficulty maintain the dignity of the crown, even under the ordinary charges of government. They were ſenſible, that the preſent war was, very lately, the reſult of their own importunate applications and intreaties, and that they had ſolemnly engaged to ſupport their ſovereign in the management of it. They were acquainted with the difficulty of military enterprizes, directed againſt the whole houſe of Auſtria; againſt the king of Spain, poſſeſſed of the greateſt riches and moſt extenſive dominions of any prince in Europe; againſt the emperor Ferdinand, hitherto the moſt fortunate monarch of his age, who had ſubdued and aſtoniſhed Germany by the rapidity of his victories. Deep impreſ-

[r] Ruſhw rth, vol. i. p. 171, Parl. Hiſt. vol. vi. p. 346. Franklyn, p 108.

ſions,

CHAP. L. 1625.

ſions, they ſaw, muſt be made by the Engliſh ſword, and a vigorous offenſive war be waged againſt theſe mighty potentates, ere they would reſign a principality, which they had now fully ſubdued, and which they held in ſecure poſſeſſion, by its being ſurrounded with all their other territories.

To anſwer, therefore, all theſe great and important ends; to ſatisfy their young king in the firſt requeſt which he made them; to prove their ſenſe of the many royal virtues, particularly œconomy, with which Charles was endowed; the houſe of commons, conducted by the wiſeſt and ableſt ſenators that had ever flouriſhed in England, thought proper to confer on the king a ſupply of two ſubſidies, amounting to 112,000 pounds[s].

This meaſure, which diſcovers rather a cruel mockery of Charles, than any ſerious deſign of ſupporting him, appears ſo extraordinary, when conſidered in all its circumſtances, that it naturally ſummons up our attention, and raiſes an enquiry concerning the cauſes of a conduct, unprecedented in an Engliſh parliament. So numerous an aſſembly, compoſed of perſons of various diſpoſitions, was not, it is probable, wholly influenced by the ſame motives; and few declared openly their true reaſon. We ſhall, therefore, approach nearer to the truth, if we mention all the views, which the preſent conjuncture could ſuggeſt to them.

It is not to be doubted, but ſpleen and ill-will againſt the duke of Buckingham had an influence with many. So vaſt and rapid a fortune, ſo little merited, could not fail to excite public envy; and, however men's hatred might have been ſuſpended for a moment, while the duke's conduct ſeemed to gratify their paſſions and their prejudices, it was impoſſible for him long to preſerve the affec-

[s] A ſubſidy was now fallen to about 56,000 pounds. Cabbala, p. 224. firſt edit.

tions

CHAP. L. 1625.

tions of the people. His influence over the modeſty of Charles exceeded even that which he had acquired over the weakneſs of James; nor was any public meaſure conducted but by his counſel and direction. His vehement temper prompted him to raiſe ſuddenly, to the higheſt elevation, his flatterers and dependents: And upon the leaſt occaſion of diſpleaſure, he threw them down with equal impetuoſity and violence. Implacable in his hatred; fickle in his friendſhips: All men were either regarded as his enemies, or dreaded ſoon to become ſuch. The whole power of the kingdom was graſped by his inſatiable hand; while he both engroſſed the intire confidence of his maſter, and held, inveſted in his ſingle perſon, the moſt conſiderable offices of the crown.

HOWEVER the ill-humour of the commons might have been encreaſed by theſe conſiderations, we are not to ſuppoſe them the ſole motives. The laſt parliament of James, amidſt all their joy and feſtivity, had given him a ſupply very diſproportioned to his demand and to the occaſion. And, as every houſe of commons, which was elected during forty years, ſucceeded to all the paſſions and principles of their predeceſſors; we ought rather to account for this obſtinacy from the general ſituation of the kingdom during that whole period, than from any circumſtances which attended this particular conjuncture.

THE nation was very little accuſtomed at that time to the burthen of taxes, and had never opened their purſes in any degree for ſupporting their ſovereign. Even Elizabeth, notwithſtanding her vigour and frugality, and the neceſſary wars in which ſhe was engaged, had reaſon to complain of the commons in this particular; nor could the authority of that princeſs, which was otherwiſe almoſt abſolute, ever extort from them the requiſite ſupplies. Habits, more than reaſon, we find, in every thing, to be the governing principle of mankind. In this view likewiſe

likewiſe the ſinking of the value of ſubſidies muſt be conſidered as a loſs to the king. The parliament, ſwayed by cuſtom, would not augment their number in the ſame proportion. CHAP. L. 1625.

THE puritanical party, though diſguiſed, had a great authority over the kingdom; and many of the leaders among the commons had ſecretly embraced the rigid tenets of that ſect. All theſe were diſguſted with the court, both by the prevalence of the principles of civil liberty eſſential to their party; and on account of the reſtraint, under which they were held by the eſtabliſhed hierarchy. In order to fortify himſelf againſt the reſentment of James, Buckingham had affected popularity, and entered into the cabals of the puritans: But, being ſecure of the confidence of Charles, he had ſince abandoned this party; and, on that account, was the more expoſed to their hatred and reſentment. Though the religious ſchemes of many of the puritans, when explained, appear pretty frivolous, we are not thence to imagine, that they were purſued by none but perſons of weak underſtandings. Some men of the greateſt parts and moſt extenſive knowledge that the nation, at this time, produced, could not enjoy any peace of mind; becauſe obliged to hear prayers offered up to the Divinity by a prieſt covered with a white linen veſtment.

THE match with France and the articles in favour of catholics, which were ſuſpected to be in the treaty, were likewiſe cauſes of diſguſt to this whole party: Though it muſt be remarked, that the connections with that crown were much leſs obnoxious to the proteſtants, and leſs agreeable to the catholics, than the alliance formerly projected with Spain, and were therefore received rather with pleaſure than diſſatisfaction.

TO all theſe cauſes we muſt yet add another, of conſiderable moment. The houſe of commons, we may obſerve,

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ſerve, was almoſt entirely governed by a ſet of men of the moſt uncommon capacity and the largeſt views: Men, who were now formed into a regular party, and united, as well by fixed aims and projects, as by the hardſhips which ſome of them had undergone in proſecution of them. Among theſe we may mention the names of Sir Edward Coke, Sir Edwin Sandys, Sir Robert Philips, Sir Francis Seymour, Sir Dudley Digges, Sir John Elliot, Sir Thomas Wentworth, Mr. Selden, and Mr. Pym. Animated with a warm regard to liberty, theſe generous patriots ſaw with regret an unbounded power exerciſed by the crown, and were reſolved to ſeize the opportunity, which the king's neceſſities offered them, of reducing the prerogative within more reaſonable compaſs. Though their anceſtors had blindly given way to practices and precedents favourable to kingly power, and had been able, notwithſtanding, to preſerve ſome ſmall remains of liberty; it would be impoſſible, they thought, when all theſe pretenſions were methodized and proſecuted by the encreaſing knowledge of the age, to maintain any ſhadow of popular government, in oppoſition to ſuch unlimited authority in the ſovereign. It was neceſſary to fix a choice: Either to abandon entirely the privileges of the people, or to ſecure them by firmer and more preciſe barriers than the conſtitution had hitherto provided for them. In this dilemma, men of ſuch aſpiring geniuſes and ſuch independent fortunes could not long deliberate: They boldly embraced the ſide of freedom, and reſolved to grant no ſupplies to their neceſſitous prince, without extorting conceſſions in favour of civil liberty. The end, they eſteemed beneficent and noble: The means, regular and conſtitutional. To grant or refuſe ſupplies was the undoubted privilege of the commons. And as all human governments, particularly thoſe of a mixed frame, are in continual fluctuation,

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tion, it was as natural, in their opinion, and allowable, for popular aſſemblies to take advantage of favourable incidents, in order to ſecure the ſubject; as for monarchs, in order to extend their own authority. With pleaſure they beheld the king involved in a foreign war, which rendered him every day more dependent on the parliament; while at the ſame time the ſituation of the kingdom, even without any military preparations, gave it ſufficient ſecurity againſt all invaſion from foreigners. Perhaps too, it had partly proceeded from expectations of this nature, that the popular leaders had been ſo urgent for a rupture with Spain; nor is it credible, that religious zeal could ſo far have blinded all of them as to make them diſcover, in ſuch a meaſure, any appearance of neceſſity, or any hopes of ſucceſs.

But, however natural all theſe ſentiments might appear to the country-party, it is not to be imagined, that Charles would entertain the ſame ideas. Strongly prejudiced in favour of the duke, whom he had heard ſo highly extolled in parliament, he could not conjecture the cauſe of ſo ſudden an alteration in their opinions. And when the war, which they themſelves had ſo earneſtly ſolicited, was at laſt commenced, the immediate deſertion of their ſovereign could not but ſeem very unaccountable. Even though no farther motive had been ſuſpected, the refuſal of ſupply in ſuch circumſtances, would naturally to him appear cruel and deceitful: But when he perceived, that this meaſure proceeded from an intention of encroaching on his authority, he failed not to regard theſe aims as highly criminal and traitorous. Thoſe lofty ideas of monarchical power, which were very commonly adopted during that age, and to which the ambiguous nature of the Engliſh conſtitution gave ſo plauſible an appearance, were firmly rivetted in Charles; and however moderate his

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temper, the natural and unavoidable prepoſſeſſions of ſelf-love, joined to the late uniform precedents in favour of prerogative, had made him regard his political tenets as certain and uncontroverted. Taught to conſider even the ancient laws and conſtitution more as lines to direct his conduct than barriers to withſtand his power; a conſpiracy to erect new ramparts, in order to ſtraiten his authority, appeared but one degree removed from open ſedition and rebellion. So atrocious in his eyes was ſuch a deſign, that he ſeems even unwilling to impute it to the commons: And, tho' he was conſtrained to adjourn the parliament by reaſon of the plague, which at that time raged in London; he immediately re-aſſembled them at Oxford, and made a new attempt to gain from them ſome ſupplies in ſuch an urgent neceſſity.

1625.

11th July.

1ſt Auguſt.

Parliament at Oxford.

CHARLES now found himſelf obliged to depart from that delicacy, which he had formerly maintained. By himſelf or his miniſters, he entered into a particular detail, both of the alliances which he had formed, and of the military operations which he had projected[u]. He told the parliament, that, by a promiſe of ſubſidies, he had engaged the king of Denmark to take part in the war; that this monarch intended to enter Germany by the north, and to rouze to arms thoſe princes, who impatiently longed for an opportunity of aſſerting the liberty of the empire; that Mansfeldt had undertaken to penetrate with an Engliſh army into the Palatinate, and by that quarter to excite the members of the evangelical union; that the ſtates muſt be ſupported in the unequal warfare which they maintained with Spain; that no leſs a ſum than 700,000 pounds a-year had been found, by computation, requiſite for all theſe purpoſes; that the maintenance of the fleet and the defence of Ireland demanded an annual expence of 400,000 pounds; that he

[u] Dugdale, p. 25, 26.

himſelf

himſelf had already exhauſted and anticipated, in the public ſervice, his whole revenue, and had ſcarcely left ſufficient for the daily ſubſiſtence of himſelf and his family[w]; that on his acceſſion to the crown, he found a debt of above 300,000 pounds, contracted by his father, in ſupport of the Palatine; and that, while prince of Wales, he had himſelf contracted debts, notwithſtanding his great frugality, to the amount of 70,000 pounds, which he had expended entirely on naval and military armaments. After mentioning all theſe facts, the king even condeſcended to uſe entreaties. He ſaid, that this requeſt was the firſt that he had ever made them; that he was young and in the commencement of his reign; and, if he now met with kind and dutiful uſage, it would endear to him the uſe of parliaments, and would for ever preſerve an entire harmony between him and his people[x]. CHAP. L. 1625.

To theſe reaſons the commons remained inexorable. Notwithſtanding that the king's meaſures, on the ſuppoſition of a foreign war, which they had conſtantly demanded, were altogether unexceptionable, they obſtinately refuſed any farther aid. Some members favourable to the court, having inſiſted on an addition of two fifteenths to the former ſupply, even this pittance was refuſed[y]; though it was known, that a fleet and army were lying at Portſmouth, in great want of pay and proviſions; and that Buckingham, the admiral, and the treaſurer of the navy, had advanced on their own credit near a hundred thouſand pounds for the ſea-ſervice[z]. Beſides all their other motives, the houſe of commons had made a diſcovery, which, as they wanted

[w] Parl. Hiſt. vol. vi. p. 396.

[x] Ruſh. vol. i. p. 177, 178, &c. Parl. Hiſt. vol. vi. p. 399. Franklyn, p. 108, 109. Journ. 10 Aug. 1625.

[y] Ruſh. vol. i. p. 190.

[z] Parl. Hiſt. vol. vi. p. 390.

but

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but a pretence for their refuſal, inflamed them againſt the court and againſt the duke of Buckingham.

When James deſerted the Spaniſh alliance, and courted that of France, he had promiſed to furniſh Lewis, who was entirely deſtitute of naval force, with one ſhip of war, together with ſeven armed veſſels, hired from the merchants. Theſe the French court had pretended they would employ againſt the Genoeſe, who, being firm and uſeful allies to the Spaniſh monarchy, were naturally regarded with an evil eye, both by the king of France and of England. When theſe veſſels, by Charles's orders, arrived at Diepe, there aroſe a ſtrong ſuſpicion, that they were to ſerve againſt Rochelle. The ſailors were inflamed. That race of men, who are at preſent both careleſs and ignorant in all matters of religion, were at that time only ignorant. They drew up a remonſtrance to Pennington, their commander; and figuring all their names in a circle, leſt he ſhould diſcover the ring-leaders, they laid it under his prayer-book. Pennington declared, that he would rather be hanged in England for diſobedience, than fight againſt his brother proteſtants in France. The whole ſquadron ſailed immediately to the Downs. There they received new orders from Buckingham, lord admiral, to return to Diepe. As the duke knew, that authority alone would not ſuffice, he employed much art and many ſubtilties to engage them to obedience; and a rumour, which was ſpread, that peace had been concluded between the French king and the hugonots, aſſiſted him in his purpoſe. When they arrived at Diepe, they found that they had been deceived. Sir Ferdinando Gorges, who commanded one of the veſſels, broke through and returned to England. All the officers and ſailors of all the other ſhips, notwithſtanding great offers made them by the French, immediately deſerted. One gunner alone preferred duty towards his king

king to the cauſe of religion; and he was afterwards killed in charging a cannon before Rochelle [a]. The care which hiſtorians have taken to record this frivolous event, proves with what pleaſure the news was received by the nation. CHAP. L. 1625.

THE houſe of commons, when informed of theſe tranſactions, ſhowed the ſame attachment with the ſailors for the proteſtant religion; nor was their zeal much better guided by reaſon and ſound policy. It was not conſidered, that it was highly probable the king and the duke themſelves had here been deceived by the artifices of France, nor had they any hoſtile intention againſt the Hugonots; that, were it otherwiſe, yet might their meaſures be juſtified by the moſt obvious and moſt received maxims of civil policy; that, if the force of Spain were really ſo exorbitant as the commons imagined, the French monarch was the only prince that could oppoſe its progreſs, and preſerve the balance of Europe; that his power was at preſent fettered by the Hugonots, who, being poſſeſſed of many privileges and even of fortified towns, formed an empire within his empire, and kept him in perpetual jealouſy and inquietude; that an inſurrection had been at that time, wantonly and voluntarily, formed by their leaders, who, being diſguſted in ſome court intrigue, took advantage of the never-failing pretence of religion, in order to cover their rebellion; that the Dutch, influenced by theſe views, had ordered a ſquadron of twenty ſhips to join the French fleet, employed againſt the inhabitants of Rochelle [b]; that the Spaniſh monarch, ſenſible of the ſame conſequences, ſecretly ſupported the proteſtants in France; and that all princes had ever ſacrificed to reaſons of ſtate the intereſts of their religion in foreign countries. All theſe

[a] Franklyn, p. 109. Ruſh. vol. i, p. 175, 176, &c. 325, 326, &c.
[b] Journ. 18 April, 1626.

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obvious conſiderations had no influence. Great murmurs and diſcontents ſtill prevailed in parliament. The Hugonots, though they had no ground of complaint againſt the French court, were thought to be as much entitled to aſſiſtance from England, as if they had taken arms in defence of their liberties and religion againſt the perſecuting rage of the catholics. And it plainly appears from this incident, as well as from many others, that of all European nations, the Britiſh were at that time, and till long after, the moſt under the influence of that religious ſpirit, which tends rather to inflame bigotry than encreaſe peace and mutual charity.

On this occaſion, the commons renewed their eternal complaints againſt the growth of popery, which was ever the chief of their grievances, and now their only one [c]. They demanded a ſtrict execution of the penal laws againſt the catholics, and remonſtrated againſt ſome late pardons, granted to prieſts [d]. They attacked Montague, one of the king's chaplains, on account of a moderate book, which he had lately publiſhed, and which, to their great diſguſt, ſaved virtuous catholics, as well as other Chriſtians, from eternal torments [e]. Charles gave them a gracious and a compliant anſwer to all their remonſtrances. He was however, in his heart, extremely averſe to theſe furious meaſures. Though a determined proteſtant, by principle as well as inclination, he had entertained no violent horror againſt popery; and a little humanity, he thought, was due by the nation to the religion of their anceſtors. That degree of liberty, which is now indulged to catholics, though a party much more obnoxious than during the reign of the Stuarts, it ſuited neither with Charles's ſentiments, nor the humour of the age, to allow them. An abatement of the more rigor-

[c] Franklyn, p. 3, &c. [d] Parl. Hiſt. vol. vi. 374. Journ. 1 Aug. 1625. [e] Parl. Hiſt. vol. vi. p. 353. Journ. 7 July, 1625.

ous

ous laws was all he intended; and his engagements with France, notwithſtanding that their regular execution had never been promiſed or expected, required of him ſome indulgence. But ſo unfortunate was this prince, that no meaſures, embraced during his whole reign, was ever attended with more unhappy and more fatal conſequences. CHAP. L. 1625.

THE extreme rage againſt popery was a ſure characteriſtic of puritaniſm. The houſe of commons diſcovered other infallible ſymptoms of the prevalence of that party. They petitioned the king for replacing ſuch able clergy as had been ſilenced for want of conformity to the ceremonies [f]. They alſo enacted laws for the ſtrict obſervance of Sunday, which the Puritans affected to call the Sabbath, and which they ſanctified by the moſt melancholy indolence [g]. It is to be remarked, that the different appellations of this feſtival were at that time known ſymbols of the different parties.

THE king, finding that the parliament was reſolved to grant him no ſupply, and would furniſh him with nothing but empty proteſtations of duty [h], or diſagreeable complaints of grievances; took advantage of the plague [i], which began to appear at Oxford, and on that pretence, immediately diſſolved them. By finiſhing the ſeſſion with a diſſolution, inſtead of a prorogation, he ſufficiently expreſſed his diſpleaſure at their conduct.

TO ſupply the want of parliamentary aids, Charles iſſued privy-ſeals for borrowing money from his ſub- Auguſt 2.

[f] Ruſh. vol. i. p. 281. [g] 1 Car. I. cap. 1. Journ. 21 June, 1625.
[h] Franklyn, p. 113. Ruſhworth, vol. i. p. 190.
[i] The plague was really ſo violent, that it had been moved in the houſe, at the beginning of the ſeſſion, to petition the king to adjourn them. Journ. 21 June, 1625. So it was impoſſible to enter upon grievances, even if there had been any. The only buſineſs of the parliament was to give ſupply, which was ſo much wanted by the king, in order to carry on the war in which they had engaged him.

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jects [k]. The advantage reaped by this expedient was a small compensation for the disgust which it occasioned: By means, however, of that supply, and by other expedients, he was, though with difficulty, enabled to equip his fleet. It consisted of eighty vessels, great and small; and carried on board an army of 10,000 men. Sir Edward Cecil, lately created viscount Wimbleton, was entrusted with the command. He sailed immediately for Cadiz, and found the bay full of Spanish ships of great value. He either neglected to attack these ships, or attempted it preposterously. The army was landed, and a fort taken: But the undisciplined soldiers, finding store of wine, could not be restrained from the utmost excesses. Farther stay appearing fruitless, they were reimbarked; and the fleet put to sea with an intention of intercepting the Spanish galleons. But the plague having seized the seamen and soldiers, they were obliged to abandon all hopes of this prize, and return to England. Loud complaints were made against the court for entrusting so important a command to a man like Cecil, whom, though he possessed great experience, the people, judging by the event, esteemed of slender capacity [l].

1625.

October 1.

Naval expedition against Spain.

November.

1626.

CHARLES, having failed of so rich a prize, was obliged again to have recourse to a parliament. Though the ill success of his enterprizes diminished his authority, and showed every day more plainly the imprudence of the Spanish war; though the increase of his necessities rendered him more dependent, and more exposed to the encroachments of the commons; he was resolved to try once more that regular and constitutional expedient for supply. Perhaps too, a little political art, which at that time he practised, was much trusted to. He had named four popular leaders, sheriffs of counties; Sir Edward

Second parliament.

[k] Rush. vol. i. p. 192. Parl. Hist. vol. vi. p. 407. p. 113. Rushworth, vol. i. p. 196.

[l] Franklyn, Coke,

Coke, Sir Robert Philips, Sir Thomas Wentworth, and Sir Francis Seymour; and, though the queſtion had been formerly much conteſted [m], he thought that he had by that means incapacitated them from being elected members. But his intention being ſo evident, rather put the commons more upon their guard. Know of patriots ſtill remained to keep up the ill humour of the houſe; and men needed but little inſtruction or rhetoric to recommend to them practices, which increaſed their own importance and conſideration. The weakneſs of the court alſo could not more evidently appear, than by its being reduced to uſe ſo ineffectual an expedient, in order to obtain an influence over the commons. CHAP. L. 1626.

THE views, therefore, of the laſt parliament were immediately adopted; as if the ſame men had been every where elected, and no time had intervened ſince their meeting. When the king laid before the houſe his neceſſities, and aſked for ſupply, they immediately voted him three ſubſidies and three fifteenths; and though they afterwards added one ſubſidy more, the ſum was little proportioned to the greatneſs of the occaſion, and ill fitted to promote thoſe views of ſucceſs and glory, for which the young prince, in his firſt enterprize, ſo ardently longed. But this circumſtance was not the moſt diſagreeable one. The ſupply was only voted by the commons. The paſſing of that vote into a law was reſerved till the end of the ſeſſion [n]. A condition was thereby made, in a very undiſguiſed manner, with their ſovereign. Under colour of redreſſing grievances, which, during this ſhort reign, could not be very numerous, they were to proceed in regulating and controuling every February 6.

[m] It is always an expreſs clauſe in the writ of ſummons, that no ſheriff ſhall be choſen; but the contrary practice had often prevailed. D'Ewes, p. 38. Yet ſtill great doubts were entertained on this head. See Journ. 9 April, 1614.

[n] Journ. 27 March, 1626.

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part of government which diſpleaſed them: And if the king either cut them ſhort in this undertaking, or refuſed compliance with their demands, he muſt not expect any ſupply from the commons. Great diſſatisfaction was expreſſed by Charles at a treatment which he deemed ſo harſh and undutiful [o]. But his urgent neceſſities obliged him to ſubmit; and he waited with patience, obſerving to what ſide they would turn themſelves.

Impeachment of Buckingham.

THE duke of Buckingham, formerly obnoxious to the public, became every day more unpopular, by the ſymptoms which appeared both of his want of temper and prudence, and of the uncontrouled aſcendant, which he had acquired over his maſter [p]. Two violent attacks he was obliged this ſeſſion to ſuſtain; one from the earl of Briſtol, another from the houſe of commons.

As long as James lived, Briſtol, ſecure of the concealed favour of that monarch, had expreſſed all duty and obedience; in expectation that an opportunity would offer of re-inſtating himſelf in his former credit and authority. Even after Charles's acceſſion, he deſpaired not. He ſubmitted to the king's commands of remaining at his country-ſeat, and of abſenting himſelf from parliament. Many trials he made to regain the good opinion of his maſter; but finding them all fruitleſs, and obſerving Charles to be entirely governed by Buckingham, his implacable enemy, he reſolved no longer to keep any meaſures with the court. A new ſpirit, he ſaw, and a new power ariſing in the nation; and to theſe he was

[o] Parliamentary Hiſtory, vol. vi. p. 449. Ruſhworth, vol. i. p. 224.

[p] His credit with the king had given him ſuch influence, that he had no leſs than twenty proxies granted him this parliament by ſo many peers; which occaſioned a vote, that no peer ſhould have above two proxies. The earl of Leiceſter in 1585 had once ten proxies. D'Ewes, p. 314.

determined

determined for the future to truſt for his ſecurity and protection. CHAP. L.

1626.

When the parliament was ſummoned, Charles, by a ſtretch of prerogative, had given orders that no writ, as is cuſtomary, ſhould be ſent to Briſtol [q]. That nobleman applied to the houſe of lords by petition; and craved their good offices with the king for obtaining what was his due as a peer of the realm. His writ was ſent him; but accompanied with a letter from the lord keeper, Coventry, commanding him, in the king's name, to abſent himſelf from parliament. This letter Briſtol conveyed to the lords, and aſked advice how to proceed in ſo delicate a ſituation [r]. The king's prohibition was withdrawn, and Briſtol took his ſeat. Provoked at theſe repeated inſtances of vigour, which the court denominated contumacy, Charles ordered his attorney-general to enter an accuſation of high treaſon againſt him. By way of recrimination, Briſtol accuſed Buckingham of high treaſon. Both the earl's defence of himſelf and accuſation of the duke remain [s]; and, together with ſome original letters ſtill extant, contain the fulleſt and moſt authentic account of all the negociations with the houſe of Auſtria. From the whole, the great imprudence of the duke evidently appears, and the ſway of his ungovernable paſſions; but it would be difficult to collect thence any action, which in the eye of the law could be deemed a crime; much leſs could ſubject him to the penalty of treaſon.

The impeachment of the commons was ſtill leſs dangerous to the duke, were it eſtimated by the ſtandard of law and equity. The houſe, after having voted, upon ſome queries of Dr. Turner's, *that common fame was a*

[q] Ruſhworth, vol. i. p. 236. [r] Ibid. vol. i. p. 237. Franklyn, p. 120, &c. [s] Ruſhworth, vol. i. p. 256, 262, 263, &c. Franklyn, p. 123, &c.

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ſufficient ground of accuſation by the commons[r], proceeded to frame regular articles againſt Buckingham. They accuſed him, of having united many offices in his perſon; of having bought two of them; of neglecting to guard the ſeas, inſomuch that many merchant-ſhips had fallen into the hands of the enemy; of delivering ſhips to the French king, in order to ſerve againſt the Hugonots; of being employed in the ſale of honours and offices; of accepting extenſive grants from the crown; of procuring many titles of honour for his kindred; and of adminiſtering phyſic to the late king without acquainting his phyſicians. All theſe articles appear, from comparing the accuſation and reply, to be either frivolous, or falſe, or both[s]. The only charge, which could be regarded as important, was, that he had extorted a ſum of ten thouſand pounds from the Eaſt-India company, and that he had confiſcated ſome goods belonging to French merchants, on pretence of their being the property of Spaniſh. The impeachment never came to a full determination; ſo that it is difficult for us to give a deciſive opinion with regard to theſe articles: But it muſt be confeſſed, that the duke's anſwer in theſe particulars, as in all the reſt, is ſo clear and ſatisfactory, that it is impoſſible to refuſe our aſſent to it[t]. His faults and blemiſhes were in many reſpects very great; but rapacity and avarice were vices, with which he was entirely unacquainted.

It is remarkable, that the commons, though ſo much at a loſs to find articles of charge againſt Buckingham, never adopted Briſtol's accuſation, or impeached the duke for his conduct in the Spaniſh treaty, the moſt blameable circumſtance in his whole life. He had reaſon to believe the Spaniards ſincere in their profeſſions; yet, in order to

[r] Ruſhworth, vol. i. p. 217. Whitlocke, p. 5. [s] Ruſhworth, vol. i. p. 306, &c. 375, &c. Journ. 25 March, 1626. [t] Whitlocke, p. 7.

gratify

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gratify his private paſſions, he had hurried his maſter and his country into a war pernicious to the intereſts of both. But ſo rivetted throughout the nation were the prejudices with regard to Spaniſh deceit and falſehood, that very few of the commons ſeem as yet to have been convinced that they had been ſeduced by Buckingham's narrative: A certain proof that a diſcovery of this nature was not, as is imagined by ſeveral hiſtorians, the cauſe of ſo ſudden and ſurpriſing a variation in the meaſures of the parliament [u].

WHILE the commons were thus warmly engaged againſt Buckingham, the king ſeemed deſirous of embracing every opportunity, by which he could expreſs a contempt and diſregard for them. No one was at that time ſufficiently ſenſible of the great weight which the commons bore in the balance of the conſtitution. The hiſtory of England had never hitherto afforded one inſtance, where any great movement or revolution had proceeded from the lower houſe. And as their rank, both conſidered in a body and as individuals, was but the ſecond in the kingdom; nothing leſs than fatal experience could engage the Engliſh princes to pay a due regard to the inclinations of that formidable aſſembly.

THE earl of Suffolk, chancellor of the univerſity of Cambridge, dying about this time, Buckingham, though lying under impeachment, was yet, by means of court-intereſt, choſen in his place. The commons reſented and loudly complained of this affront; and the more to enrage them, the king himſelf wrote a letter to the univerſity, extolling the duke, and giving them thanks for his election [w].

THE lord keeper, in the king's name, expreſsly commanded the houſe not to meddle with his miniſter and

[u] See note [T] at the end of the volume.

[w] Ruſhworth, vol. i. p. 371.

ſervant,

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ſervant, Buckingham; and ordered them to finiſh, in a few days, the bill, which they had begun for the ſubſidies, and to make ſome addition to them; otherwiſe they muſt not expect to ſit any longer [x]. And though theſe harſh commands were endeavoured to be explained and mollified, a few days after, by a ſpeech of Buckingham's [y], they failed not to leave a diſagreeable impreſſion behind them.

BESIDES a more ſtately ſtile, which Charles in general affected to this parliament than to the laſt, he went ſo far, in a meſſage, as to threaten the commons, that, if they did not furniſh him with ſupplies, he ſhould be obliged to try *new counſels*. This language was ſufficiently clear: Yet, leſt any ambiguity ſhould remain, Sir Dudley Carleton, vice-chamberlain, took care to explain it. "I pray "you conſider," ſaid he, "what theſe new counſels are "or may be. I fear to declare thoſe that I conceive. In "all Chriſtian kingdoms, you know that parliaments "were in uſe anciently, by which thoſe kingdoms were "governed in a moſt flouriſhing manner; until the mo- "narchs began to know their own ſtrength, and, ſeeing "the turbulent ſpirit of their parliaments, at length they, "by little and little, began to ſtand on their prerogatives, "and at laſt overthrew the parliaments, throughout "Chriſtendom, except here only with us.—Let us be "careful then to preſerve the king's good opinion of "parliaments, which bringeth ſuch happineſs to this "nation, and makes us envied of all others, while there "is this ſweetneſs between his majeſty and the com- "mons; leſt we loſe the repute of a free people by our "turbulency in parliament [z]." Theſe imprudent ſuggeſtions rather gave warning than ſtruck terror. A pre-

[x] Parl. Hiſt. vol. vi. p. 444. vol. i. p. 225. Franklyn, p. 118. Whitlocke, p. 6.

[y] Id. ibid. p. 451. Ruſhworth,

[z] Ruſhworth, vol. i. p. 359.

carious

carious liberty, the commons thought, which was to be preſerved by unlimited complaiſance, was no liberty at all. And it was neceſſary, while yet in their power, to ſecure the conſtitution by ſuch invincible barriers, that no king or miniſter ſhould ever, for the future, dare to ſpeak ſuch a language to any parliament, or even entertain ſuch a project againſt them. CHAP. I. 1626.

Two members of the houſe, Sir Dudley Digges and Sir John Elliott, who had been employed as managers of the impeachment againſt the duke, were thrown into priſon [a]. The commons immediately declared, that they would proceed no farther upon buſineſs, till they had ſatisfaction in their privileges. Charles alleged, as the reaſon of this meaſure, certain ſeditious expreſſions, which, he ſaid, had, in their accuſation of the duke, dropped from theſe members. Upon enquiry, it appeared, that no ſuch expreſſions had been uſed [b]. The members were releaſed, and the king reaped no other benefit from this attempt than to exaſperate the houſe ſtill farther, and to ſhow ſome degree of precipitancy and indiſcretion.

Moved by this example, the houſe of peers were rouzed from their inactivity; and claimed liberty for the earl of Arundel, who had been lately confined in the Tower. After many fruitleſs evaſions, the king, though ſomewhat ungracefully, was at laſt obliged to comply [c]. And in this incident, it ſufficiently appeared, that the lords, how little ſoever inclined to popular courſes, were not wanting in a juſt ſenſe of their own dignity.

The ill humour of the commons, thus wantonly irritated by the court, and finding no gratification in the legal impeachment of Buckingham, ſought other objects, on which it might exert itſelf. The never-failing cry of

[a] Ruſhworth, vol. i. p. 356. [b] Id. ibid. p. 358. 361. Franklyn, p. 180. [c] Ruſhworth, vol. i. p. 363, 364, &c. Franklyn, p. 181.

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popery here ſerved them in ſtead. They again claimed the execution of the penal laws againſt catholics; and they preſented to the king a liſt of perſons, entruſted with offices, moſt of them inſignificant, who were either convicted or ſuſpected recuſants [d]. In this particular, they had, perhaps, ſome reaſon to blame the king's conduct. He had promiſed to the laſt houſe of commons a redreſs of this religious grievance: But he was apt, in imitation of his father, to imagine, that the parliament, when they failed of ſupplying his neceſſities, had, on their part, freed him from the obligation of a ſtrict performance. A new odium, likewiſe, by theſe repreſentations, was attempted to be thrown upon Buckingham. His mother, who had great influence over him, was a profeſſed catholic; his wife was not free from ſuſpicion; And the indulgence given to catholics was of courſe ſuppoſed to proceed entirely from his credit and authority. So violent was the bigotry of the times, that it was thought a ſufficient reaſon for diſqualifying any one from holding an office, that his wife, or relations, or companions, were papiſts, though he himſelf were a conformiſt [e].

It is remarkable, that perſecution was here chiefly puſhed on by laymen; and that the church was willing to have granted more liberty than would be allowed by the commons. The reconciling doctrines likewiſe of Montague failed not anew to meet with ſevere cenſures from that zealous aſſembly [f].

The next attack made by the commons, had it prevailed, would have proved deciſive. They were preparing a remonſtrance againſt the levying of tonnage and poundage without conſent of parliament. This article, together with the new impoſitions laid on merchandize by James, conſtituted near half of the crown-revenues;

[d] Franklyn, p. 195. Ruſhworth. [e] See the liſt in Franklyn and Ryſhworth. [f] Ruſhworth, vol. i. p. 209.

and

and by depriving the king of theſe reſources, they would have reduced him to total ſubjection and dependence. While they retained ſuch a pledge, beſides the ſupply already promiſed, they were ſure that nothing could be refuſed them. Though after canvaſſing the matter near three months, they found themſelves utterly incapable of fixing any legal crime upon the duke, they regarded him as an unable and perhaps a dangerous miniſter; and they intended to preſent a petition, which would then have been equivalent to a command, for removing him from his majeſty's perſon and councils [g]. CHAP. L. 1626.

THE king was alarmed at the yoke which he ſaw prepared for him. Buckingham's ſole guilt, he thought, was the being his friend and favourite [h]. All the other complaints againſt him were mere pretences. A little before he was the idol of the people. No new crime had ſince been diſcovered. After the moſt diligent enquiry, prompted by the greateſt malice, the ſmalleſt appearance of guilt could not be fixed upon him. What idea, he aſked, muſt all mankind entertain of his honour, ſhould he ſacrifice his innocent friend to pecuniary conſiderations? What farther authority ſhould he retain in the nation, were he capable, in the beginning of his reign, to give, in ſo ſignal an inſtance, ſuch matter of triumph to his enemies, and diſcouragement to his adherents? To-day, the commons pretend to wreſt his miniſter from him. To-morrow, they will attack ſome branch of his prerogative. By their remonſtrances, and promiſes, and proteſtations, they had engaged the crown in a war. As ſoon as they ſaw a retreat impoſſible, without waiting for new incidents, without covering themſelves with new pretences, they immediately deſerted him, and refuſed him all reaſonable ſupply. It was evident, that

[g] Ruſhworth, vol. i. p. 400. Franklyn, p. 199. [h] Franklyn, p. 178.

they

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they desired nothing so much as to see him plunged in inextricable difficulties, of which they intended to take advantage. To such deep perfidy, to such unbounded usurpations, it was necessary to oppose a proper firmness and resolution. All encroachments on supreme power could only be resisted successfully on the first attempt. The sovereign authority was, with some difficulty, reduced from its ancient and legal height; but when once pushed downwards, it soon became contemptible, and would easily, by the continuance of the same effort, now encouraged by success, be carried to the lowest extremity.

PROMPTED by these plausible motives, Charles was determined immediately to dissolve the parliament. When this resolution was known, the house of peers, whose compliant behaviour entitled them to some authority with him, endeavoured to interpose [1]; and they petitioned him, that he would allow the parliament to sit some time longer. *Not a moment longer*, cried the king hastily [k]; and he soon after ended the session by a dissolution.

As this measure was foreseen, the commons took care to finish and disperse their remonstrance, which they intended as a justification of their conduct to the people. 15th June. The king likewise, on his part, published a declaration, in which he gave the reasons of his disagreement with the parliament, and of their sudden dissolution, before they had time to conclude any one act [l]. These papers furnished the partizans on both sides with ample matter of apology or of recrimination. But all impartial men judged, "*That* "the commons, though they had not as yet violated any "law, yet, by their unpliableness and independence, were "insensibly changing, perhaps improving, the spirit and "genius, while they preserved the forms of the consti-

[1] Rushworth, vol. i. p. 398. [k] Sanderson's Life of Charles I. p. 58. [l] Franklyn, p. 203, &c. Parl. Hist. vol. vii. p. 300.

"tution;

" tution: And *that* the king was acting altogether with- CHAP. L.
" out any plan; running on in a road ſurrounded on all
" ſides with the moſt dangerous precipices, and concert- 1626.
" ing no proper meaſures, either for ſubmitting to the
" obſtinacy of the commons, or for ſubduing it."

AFTER a breach with the parliament, which ſeemed ſo difficult to repair, the only rational counſel, which Charles could purſue, was immediately to conclude a peace with Spain, and to render himſelf, as far as poſſible, independent of his people, who diſcovered ſo little inclination to ſupport him, or rather who ſeem to have formed a determined reſolution to abridge his authority. Nothing could be more eaſy in the execution than this meaſure, nor more agreeable to his own and to national intereſt. But, beſides the treaties and engagements, which he had entered into with Holland and Denmark, the king's thoughts were at this time averſe to pacific counſels. There are two circumſtances in Charles's character, ſeemingly incompatible, which attended him during the whole courſe of his reign, and were in part the cauſe of his misfortunes: He was very ſteady and even obſtinate in his purpoſe; and he was eaſily governed, by reaſon of his facility, and of his deference to men much inferior to himſelf both in morals and underſtanding. His great ends he inflexibly maintained: But the means of attaining them, he readily received from his miniſters and favourites, though not always fortunate in his choice. The violent, impetuous Buckingham, inflamed with a deſire of revenge for injuries which he himſelf had committed, and animated with a love of glory which he had not talents to merit, had at this time, notwithſtanding his profuſe licentious life, acquired an invincible aſcendant over the virtuous and gentle temper of the king.

THE *new counſels*, which Charles had mentioned to the parliament, were now to be tried, in order to ſupply his neceſſities. Had he poſſeſſed any military force, on which he

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he could rely, it is not improbable, that he had at once taken off the maſk, and governed without any regard to parliamentary privileges: So high an idea had he received of kingly prerogative, and ſo contemptible a notion of the rights of thoſe popular aſſemblies, from which, he very naturally thought, he had met with ſuch ill uſage. But his army was new levied, ill paid, and worſe diſciplined; no-wiſe ſuperior to the militia, who were much more numerous, and who were in a great meaſure under the influence of the country-gentlemen. It behoved him, therefore, to proceed cautiouſly, and to cover his enterprizes under the pretence of ancient precedents, which, conſidering the great authority commonly enjoyed by his predeceſſors, could not be wanting to him.

A COMMISSION was openly granted to compound with the catholics, and agree for diſpenſing with the penal laws enacted againſt them [m]. By this expedient, the king both filled his coffers, and gratified his inclination of giving indulgence to theſe religioniſts: But he could not have employed any branch of prerogative, which would have been more diſagreeable, or would have appeared more exceptionable, to his proteſtant ſubjects.

FROM the nobility, he deſired aſſiſtance: From the city, he required a loan of 100,000 pounds. The former contributed ſlowly: But the latter, covering themſelves under many pretences and excuſes, gave him at laſt a flat refuſal [n].

IN order to equip a fleet, a diſtribution, by order of council, was made to all the maritime towns; and each of them was required, with the aſſiſtance of the adjacent counties, to arm ſo many veſſels as were appointed them [o]. The city of London was rated at twenty ſhips. This is the firſt appearance, in Charles's

[m] Ruſhworth, vol. i. p. 413. Whitlocke, p. 7. [n] Ruſhworth, vol. i. p. 415. Franklyn, p. 206. [o] Ruſhworth ut ſupra.

reign,

reign, of ship-money; a taxation which had once been imposed by Elizabeth, but which afterwards, when carried some steps farther by Charles, created such violent discontents. CHAP. L. 1626.

Of some, loans were required[p]: To others the way of benevolence was proposed: Methods supported by precedent, but always invidious, even in times more submissive and compliant. In the most absolute governments, such expedients would be regarded as irregular and unequal.

These counsels for supply were conducted with some moderation; till news arrived, that a great battle was fought between the king of Denmark and count Tilly, the Imperial general; in which the former was totally defeated. 25th Aug. Money now, more than ever, became necessary, in order to repair so great a breach in the alliance, and to support a prince, who was so nearly allied to Charles, and who had been engaged in the war chiefly by the intrigues, solicitations, and promises of the English monarch. After some deliberation, an act of council was passed; importing, that as the urgency of affairs admitted not the way of parliament, the most speedy, equal, and convenient method of supply was by a General Loan from the subject, according as every man was assessed in the rolls of the last subsidy. That precise sum was required, which each would have paid, had the vote of four subsidies passed into a law: But care was taken to inform the people, that the sums exacted were not to be called subsidies, but loans[q]. Had any doubt remained, whether forced loans, however authorised by precedent, and even by statute, were a violation of liberty, and must, by necessary consequence, render all parliaments superfluous; this was the proper expedient for opening the

[p] Rushworth, vol. i. p. 416. [q] Ibid. p. 418. Whitlocke, p. 8.

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eyes of the whole nation. The example of Henry VIII. who had once, in his arbitrary reign, practiſed a like method of levying a regular ſupply, was generally deemed a very inſufficient authority.

THE commiſſioners appointed to levy theſe loans, among other articles of ſecret inſtruction, were enjoined, "If any ſhall refuſe to lend, and ſhall make delays or "excuſes, and perſiſt in his obſtinacy, that they examine "him upon oath, whether he has been dealt with to "deny or refuſe to lend, or make an excuſe for not "lending? Who has dealt with him, and what ſpeeches "or perſuaſions were uſed to that purpoſe? And that "they alſo ſhall charge every ſuch perſon, in his ma-"jeſty's name, upon his allegiance, not to diſcloſe to "any one what his anſwer was[r]." So violent an inquiſitorial power, ſo impracticable an attempt at ſecrecy, were the objects of indignation, and even, in ſome degree, of ridicule.

THAT religious prejudices might ſupport civil authority, ſermons were preached by Sibthorpe and Manwaring, in favour of the general loan; and the court induſtriouſly ſpread them over the kingdom. Paſſive obedience was there recommended in its full extent, the whole authority of the ſtate was repreſented as belonging to the king alone, and all limitations of law and a conſtitution were rejected as ſeditious and impious[s]. So openly was this doctrine eſpouſed by the court, that archbiſhop Abbot, a popular and virtuous prelate, was, becauſe he refuſed to licenſe Sibthorpe's ſermon, ſuſpended from the exerciſe of his office, baniſhed from London, and confined to one of his country-ſeats[t]. Abbot's principles of liberty, and his oppoſition to Buckingham, had always rendered him very ungracious at court, and had acquired him the

[r] Ruſhworth, vol. i. p. 419. Franklyn, p. 207. [s] Ruſhworth, vol. i. p. 422. Franklyn, p. 208. [t] Ruſhworth, vol. i. p. 431.

character

character of a puritan. For it is remarkable, that this party made the privileges of the nation as much a part of their religion, as the church party did the prerogatives of the crown; and nothing tended farther to recommend among the people, who always take opinions in the lump, the whole ſyſtem and all the principles of the former ſect. The king ſoon found, by fatal experience, that this engine of religion, which with ſo little neceſſity was introduced into politics, falling under more fortunate management, was played with the moſt terrible ſucceſs againſt him.

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WHILE the king, inſtigated by anger and neceſſity, thus employed the whole extent of his prerogative, the ſpirit of the people was far from being ſubdued. Throughout England, many refuſed theſe loans; ſome were even active in encouraging their neighbours to inſiſt upon their common rights and privileges. By warrant of the council, *theſe* were thrown into priſon. Moſt of them with patience ſubmitted to confinement, or applied by petition to the king, who commonly releaſed them. Five gentlemen alone, Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Heveningham, and Sir Edmond Hambden, had ſpirit enough, at their own hazard and expence, to defend the public liberties, and to demand releaſement, not as a favour from the court, but as their due, by the laws of their country[z]. No particular cauſe was aſſigned of their commitment. The ſpecial command alone of the king and council was pleaded. And it was aſſerted, that, by law, this was not ſufficient reaſon for refuſing bail or releaſement to the priſoners.

THIS queſtion was brought to a ſolemn trial before the king's bench; and the whole kingdom was attentive to the iſſue of a cauſe, which was of much greater conſequence than the event of many battles. November.

[z] Ruſhworth, vol. i. p. 429. Franklyn, p. 210.
[a] Ruſhworth, vol. i. p. 458. Franklyn, p. 224. Whitlocke, p. 8.

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By the debates on this ſubject it appeared, beyond controverſy, to the nation, that their anceſtors had been ſo jealous of perſonal liberty, as to ſecure it againſt arbitrary power in the crown, by ſix[w] ſeveral ſtatutes, and by an article[x] of the GREAT CHARTER itſelf, the moſt ſacred foundation of the laws and conſtitution. But the kings of England, who had not been able to prevent the enacting of theſe laws, had ſufficient authority, when the tide of liberty was ſpent, to obſtruct their regular execution; and they deemed it ſuperfluous, to attempt the formal repeal of ſtatutes which they found ſo many expedients and pretences to elude. Turbulent and ſeditious times frequently occurred, when the ſafety of the people abſolutely required the confinement of factious leaders; and, by the genius of the old conſtitution, the prince, of himſelf, was accuſtomed to aſſume every branch of prerogative, which was found neceſſary for the preſervation of public peace and of his own authority. Expediency, at other times, would cover itſelf under the appearance of neceſſity; and, in proportion as precedents multiplied, the will alone of the ſovereign was ſufficient to ſupply the place of expediency, of which he conſtituted himſelf the ſole judge. In an age and nation where the power of a turbulent nobility prevailed, and where the king had no ſettled military force, the only means that could maintain public peace, was the exertion of ſuch prompt and diſcretionary powers in the crown; and the public itſelf had become ſo ſenſible of the neceſſity, that thoſe ancient laws in favour of perſonal liberty, while often violated, had never been challenged or revived, during the courſe of near three centuries. Though rebellious ſubjects had frequently, in the open field, reſiſted the king's

[w] 25 Edw. III. cap. 4. 28 Edw. III. cap. 3. 37 Edw. III. cap. 18. 38 Edw. III. cap. 9. 42 Edw. III. cap. 3. 1 Richard II. cap. 12.

[x] Chap. 29.

authority;

authority; no perſon had been found ſo bold, while confined and at mercy, as to ſet himſelf in oppoſition to regal power, and to claim the protection of the conſtitution, againſt the will of the ſovereign. It was not till this age, when the ſpirit of liberty was univerſally diffuſed, when the principles of government were nearly reduced to a ſyſtem, when the tempers of men, more civilized, ſeemed leſs to require thoſe violent exertions of prerogative, that theſe five gentlemen above mentioned, by a noble effort, ventured, in this national cauſe, to bring the queſtion to a final determination. And the king was aſtoniſhed to obſerve, that a power, exerciſed by his predeceſſors, almoſt without interruption, was found, upon trial, to be directly oppoſite to the cleareſt laws, and ſupported by few undoubted precedents in courts of judicature. Theſe had ſcarcely, in any inſtance, refuſed bail upon commitments by ſpecial command of the king; becauſe the perſons committed had ſeldom or never dared to demand it; at leaſt, to inſiſt on their demand. CHAP. L. 1626.

Sir Randolf Crew, chief juſtice, had been diſplaced, as unfit for the purpoſes of the court: Sir Nicholas Hyde, eſteemed more obſequious, had obtained that high office: Yet the judges, by his direction, went no further than to remand the gentlemen to priſon, and refuſe the bail which was offered [y]. Heath, the attorney-general, inſiſted, that the court, in imitation of the judges in the 34th of Elizabeth [z], ſhould enter a general judgment that no bail could be granted, upon a commitment by the king or council [a]. But the judges wiſely declined complying. The nation, they ſaw, was already, to the laſt degree, exaſperated. In the preſent diſpoſition of men's minds, univerſal complaints prevailed, as if the 1627.

y Roſhworth, vol. i. p. 462. z State Trials, vol. vii. p. 147.
a State Trials, ibid. p. 161.

CHAP. L. 1627. kingdom were reduced to ſlavery. And the moſt invidious prerogative of the crown, it was ſaid, that of impriſoning the ſubject, is here openly and ſolemnly, and in numerous inſtances, exerciſed for the moſt invidious purpoſe; in order to extort loans, or rather ſubſidies, without conſent of parliament.

But this was not the only hardſhip of which the nation then thought they had reaſon to complain. The army, which had made the fruitleſs expedition to Cadiz, was diſperſed throughout the kingdom; and money was levied upon the counties for the payment of their quarters[b].

The ſoldiers were billeted upon private houſes, contrary to cuſtom, which required, that, in all ordinary caſes, they ſhould be quartered in inns and public houſes[c].

Thoſe, who had refuſed or delayed the loan, were ſure to be loaded with a great number of theſe dangerous and diſorderly gueſts.

Many too, of low condition, who had ſhown a refractory diſpoſition, were preſſed into the ſervice, and inliſted in the fleet or army[d]. Sir Peter Hayman, for the ſame reaſon, was diſpatched on an errand to the Palatinate[e]. Glanville, an eminent lawyer, had been obliged, during the former interval of parliament, to accept of an office in the navy[f].

The ſoldiers, ill paid and undiſciplined, committed many crimes and outrages; and much encreaſed the public diſcontents. To prevent theſe diſorders, martial law, ſo requiſite to the ſupport of diſcipline, was exerciſed upon the ſoldiers. By a contradiction, which is natural when the people are exaſperated, the outrages of the army were complained of; the remedy was thought

[b] Ruſhworth, vol. i. p. 419. [c] Ibid. [d] Ibid. p. 422.
[e] Ibid. p. 431. [f] Parl. Hiſt. vol. vii. p. 310.

ſtill

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ſtill more intolerable [8]. Though the expediency, if we are not rather to ſay the neceſſity, of martial law, had formerly been deemed, of itſelf, a ſufficient ground for eſtabliſhing it; men, now become more jealous of liberty, and more refined reaſoners in queſtions of government, regarded, as illegal and arbitrary, every exerciſe of authority which was not ſupported by expreſs ſtatute or uninterrupted precedent.

IT may ſafely be affirmed, that, except a few courtiers or eccleſiaſtics, all men were diſpleaſed with this high exertion of prerogative, and this new ſpirit of adminiſtration. Though ancient precedents were pleaded in favour of the king's meaſures; a conſiderable difference, upon compariſon, was obſerved between the caſes. Acts of power, however irregular, might caſually, and at intervals, be exerciſed by a prince, for the ſake of diſpatch or expediency; and yet liberty ſtill ſubſiſt, in ſome tolerable degree, under his adminiſtration. But where all theſe were reduced into a ſyſtem, were exerted without interruption, were ſtudiouſly ſought for, in order to ſupply the place of laws, and ſubdue the refractory ſpirit of the nation, it was neceſſary to find ſome ſpeedy remedy, or finally to abandon all hopes of preſerving the freedom of the conſtitution. Nor did moderate men eſteem the provocation which the king had received, though great, ſufficient to warrant all theſe violent meaſures. The commons, as yet, had no wiſe invaded his authority: They had only exerciſed, as beſt pleaſed them, their own privileges. Was he juſtifiable, becauſe from one houſe of parliament he had met with harſh and unkind treatment, to make, in revenge, an invaſion on the rights and liberties of the whole nation?

BUT great was at this time the ſurprize of all men, when Charles, baffled in every attempt againſt the Auſ-

[8] Ruſhworth, vol. i. p. 419. Whitlocke, p. 7.

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trian dominions, embroiled with his own ſubjects, unſupplied with any treaſure but what he extorted by the moſt invidious and moſt dangerous meaſures; as if the half of Europe, now his enemy, were not ſufficient for the exerciſe of military proweſs; wantonly attacked France, the other great kingdom in his neighbourhood, and engaged at once in war againſt theſe two powers, whoſe intereſts were hitherto deemed ſo incompatible, that they could never, it was thought, agree either in the ſame friendſhips or enmities. All authentic memoirs, both foreign and domeſtic, aſcribe to Buckingham's counſels this war with France, and repreſent him, as actuated by motives, which would appear incredible, were we not acquainted with the violence and temerity of his character.

War with France.

THE three great monarchies of Europe were at this time ruled by young princes, Philip, Louis, and Charles, who were nearly of the ſame age, and who had reſigned the government of themſelves, and of their kingdoms, to their creatures and miniſters, Olivarez, Richelieu, and Buckingham. The people, whom the moderate temper or narrow genius of their princes would have allowed to remain for ever in tranquillity, were ſtrongly agitated by the emulation and jealouſy of the miniſters. Above all, the towering ſpirit of Richelieu, incapable of reſt, promiſed an active age, and gave indications of great revolutions throughout all Europe.

THIS man had no ſooner, by ſuppleneſs and intrigue, gotten poſſeſſion of the reins of government, than he formed, at once, three mighty projects; to ſubdue the turbulent ſpirits of the great, to reduce the rebellious hugonots, and to curb the encroaching power of the houſe of Auſtria. Undaunted and implacable, prudent and active, he braved all the oppoſition of the French princes and nobles in the proſecution of his vengeance; he diſcovered

and

and diſſipated all their ſecret cabals and conſpiracies. His ſovereign himſelf he held in ſubjection, while he exalted the throne. The people, while they loſt their liberties, acquired, by means of his adminiſtration, learning, order, diſcipline, and renown. That confuſed and inaccurate genius of government, of which France partook in common with other European kingdoms, he changed into a ſimple monarchy; at the very time, when the incapacity of Buckingham encouraged the free ſpirit of the commons to eſtabliſh in England a regular ſyſtem of liberty. CHAP. L. 1627.

However unequal the compariſon between theſe miniſters, Buckingham had entertained a mighty jealouſy againſt Richelieu; a jealouſy not founded on rivalſhip of power and politics, but of love and gallantry; where the duke was as much ſuperior to the cardinal, as he was inferior in every other particular.

At the time when Charles married by proxy the princeſs Henrietta, the duke of Buckingham had been ſent to France, in order to grace the nuptials, and conduct the new queen into England. The eyes of the French court were directed by curioſity towards that man, who had enjoyed the unlimited favour of two ſucceſſive monarchs, and who, from a private ſtation, had mounted, in the earlieſt youth, to the abſolute government of three kingdoms. The beauty of his perſon, the gracefulneſs of his air, the ſplendor of his equipage, his fine taſte in dreſs, feſtivals, and carouſals, correſponded to the prepoſſeſſions entertained in his favour: The affability of his behaviour, the gaiety of his manners, the magnificence of his expence, encreaſed ſtill farther the general admiration which was paid him. All buſineſs being already concerted, the time was entirely ſpent in mirth and entertainments; and, during thoſe ſplendid ſcenes, among that gay people, the duke found himſelf in a ſituation, where he was

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perfectly qualified to excel [h]. But his great ſucceſs at Paris proved as fatal as his former failure at Madrid. Encouraged by the ſmiles of the court, he dared to carry his ambitious addreſſes to the queen herſelf; and he failed not to make impreſſion on a heart not undiſpoſed to the tender paſſions. That attachment, at leaſt, of the mind, which appears ſo delicious, and is ſo dangerous, ſeems to have been encouraged by the princeſs; and the duke preſumed ſo far on her good graces, that, after his departure, he ſecretly returned upon ſome pretence, and, paying a viſit to the queen, was diſmiſſed with a reproof, which favoured more of kindneſs than of anger [i].

INFORMATION of this correſpondence was ſoon carried to Richelieu. The vigilance of that miniſter was here farther rouzed by jealouſy. He too, either from vanity or politics, had ventured to pay his addreſſes to the queen. But a prieſt, paſt middle age, of a ſevere character, and occupied in the moſt extenſive plans of ambition or vengeance, was but an unequal match in that conteſt, for a young courtier, entirely diſpoſed to gaiety and gallantry. The cardinal's diſappointment ſtrongly inclined him to counterwork the amorous projects of his rival. When the duke was making preparations for a new embaſſy to Paris, a meſſage was ſent him from Lewis, that he muſt not think of ſuch a journey. In a romantic paſſion, he ſwore, *That he would ſee the queen, in ſpite of all the power of France*; and, from that moment, he determined to engage England in a war with that kingdom [k].

HE firſt took advantage of ſome quarrels, excited by the queen of England's attendants; and he perſuaded Charles to diſmiſs at once all her French ſervants, contrary to the articles of the marriage treaty [l]. He encouraged the Engliſh ſhips of war and privateers to ſeize

[h] Clarendon, vol. i. p. 38.
[i] Memoires de Mad. de Motteville.
[k] Clarendon, vol. i. p. 38.
[l] Rushworth, vol. i. p. 423, 424.

veſſels

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veſſels belonging to French merchants; and *theſe* he forthwith condemned as prizes, by a ſentence of the court of admiralty. But finding that all theſe injuries produced only remonſtrances and embaſſies, or at moſt repriſals, on the part of France, he reſolved to ſecond the intrigues of the duke of Soubize, and to undertake at once a military expedition againſt that kingdom.

Soubize, who, with his brother, the duke of Rohan, was the leader of the hugonot faction, was at that time in London, and ſtrongly ſolicited Charles to embrace the protection of theſe diſtreſſed religioniſts. He repreſented, that, after the inhabitants of Rochelle had been repreſſed by the combined ſquadrons of England and Holland, after peace was concluded with the French king under Charles's mediation, the ambitious cardinal was ſtill meditating the deſtruction of the hugonots; that preparations were ſilently making in every province of France for the ſuppreſſion of their religion; that forts were erected in order to bridle Rochelle, the moſt conſiderable bulwark of the proteſtants; that the reformed in France caſt their eyes on Charles as the head of their faith, and conſidered him as a prince engaged by intereſt, as well as inclination, to ſupport them; that, ſo long as their party ſubſiſted, Charles might rely on their attachment as much as on that of his own ſubjects; but if their liberties were once raviſhed from them, the power of France, freed from this impediment, would ſoon become formidable to England, and to all the neighbouring nations.

Though Charles probably bore but ſmall favour to the hugonots, who ſo much reſembled the puritans in diſcipline and worſhip, in religion and politics, he yet allowed himſelf to be gained by theſe arguments, enforced by the ſolicitations of Buckingham. A fleet of a hundred ſail, and an army of 7000 men, were fitted out for the invaſion of France, and both of them entruſted to the command

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1627. 9th July. Expedition to the isle of Rhé.

command of the duke, who was altogether unacquainted both with land and sea service. The fleet appeared before Rochelle; but so ill-concerted were Buckingham's measures, that the inhabitants of that city shut their gates, and refused to admit allies, of whose coming they were not previously informed[m]. All his military operations showed equal incapacity and inexperience. Instead of attacking Oleron, a fertile island and defenceless, he bent his course to the isle of Rhé, which was well garrisoned and fortified: Having landed his men, though with some loss, he followed not the blow, but allowed Toiras, the French governor, five days respite; during which St. Martin was victualled and provided for a siege[n]. He left behind him the small fort of Prie, which could at first have made no manner of resistance: Though resolved to starve St. Martin, he guarded the sea negligently, and allowed provisions and ammunition to be thrown into it: Despairing to reduce it by famine, he attacked it without having made any breach, and rashly threw away the lives of the soldiers: Having found that a French army had stolen over in small divisions, and had landed at Prie, the fort which he had at first overlooked, he began to think

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of a retreat; but made it so unskilfully, that it was equivalent to a total rout: He was the last of the army that embarked; and he returned to England, having lost two thirds of his land-forces; totally discredited both as an admiral and a general; and bringing no praise with him, but the vulgar one of courage and personal bravery.

THE duke of Rohan, who had taken arms as soon as Buckingham appeared upon the coast, discovered the dangerous spirit of the sect, without being able to do any

[m] Rushworth, vol. i. p. 426. [n] Whitlocke, p. 8. Sir Philip Warwick, p. 25.

mischief;

mischief: The inhabitants of Rochelle, who had at last been induced to join the English, hastened the vengeance of their master, exhausted their provisions in supplying their allies, and were threatened with an immediate siege. Such were the fruits of Buckingham's expedition against France.

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CHAP. LI.

Third parliament——Petition of right——Prorogation——Death of Buckingham——New ſeſſion of parliament——Tonnage and poundage——Arminianiſm——Diſſolution of the parliament.

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THERE was reaſon to apprehend ſome diſorder or inſurrection from the diſcontents which prevailed among the people in England. Their liberties, they believed, were raviſhed from them; illegal taxes extorted; their commerce, which had met with a ſevere check from the Spaniſh, was totally annihilated by the French war; thoſe military honours tranſmitted to them from their anceſtors, had received a grievous ſtain, by two unſucceſsful and ill-conducted expeditions; ſcarce an illuſtrious family but mourned, from the laſt of them, the loſs of a ſon or brother; greater calamities were dreaded from the war with theſe powerful monarchies, concurring with the internal diſorders under which the nation laboured. And theſe ills were aſcribed, not to the refractory diſpoſition of the two former parliaments, to which they were partly owing; but ſolely to Charles's obſtinacy, in adhering to the counſels of Buckingham; a man nowiſe intitled, by his birth, age, ſervices, or merit, to that unlimited confidence repoſed in him. To be ſacrificed to the intereſt, policy, and ambition of the great, is ſo much the common lot of the people, that they may appear unreaſonable who would pretend to complain of it: But to be the victim of the frivolous gallantry of a favourite, and of his boyiſh caprices, ſeemed the object of peculiar indignation.

In

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In this ſituation, it may be imagined, the king and the duke dreaded, above all things, the aſſembling of a parliament; But ſo little foreſight had they poſſeſſed in their enterprizing ſchemes, that they found themſelves under an abſolute neceſſity of embracing that expedient. The money levied, or rather extorted, under colour of prerogative, had come in very ſlowly, and had left ſuch ill-humour in the nation, that it appeared dangerous to renew the experiment. The abſolute neceſſity of ſupply, it was hoped, would engage the commons to forget all paſt injuries; and, having experienced the ill effects of former obſtinacy, they would probably aſſemble with a reſolution of making ſome reaſonable compliances. The more to ſoften them, it was concerted, by Sir Robert Cotton's advice [o], that Buckingham ſhould be the firſt perſon that propoſed in council the calling of a new parliament. Having laid in this ſtock of merit, he expected that all his former miſdemeanors would be overlooked and forgiven; and that, inſtead of a tyrant and oppreſſor, he ſhould be regarded as the firſt patriot in the nation. Third parliament.

The views of the popular leaders were much more judicious and profound. When the commons aſſembled, they appeared to be men of the ſame independent ſpirit with their predeceſſors, and poſſeſſed of ſuch riches, that their property was computed to ſurpaſs three times that of the houſe of peers [p]; they were deputed by boroughs and counties, enflamed, all of them, by the late violations of liberty; many of the members themſelves had been caſt into priſon, and had ſuffered by the meaſures of the court; yet, notwithſtanding theſe circumſtances, which might prompt them to embrace violent reſolutions, they entered upon buſineſs with perfect temper and March 17.

[o] Franklyn, p. 230. [p] Sanderſon, p. 106. Walker, p. 339.

decorum.

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decorum. They conſidered, that the king, diſguſted at theſe popular aſſemblies, and little prepoſſeſſed in favour of their privileges, wanted but a fair pretence for breaking with them, and would ſeize the firſt opportunity offered by any incident, or any undutiful behaviour of the members. He fairly told them, in his firſt ſpeech, that, "if they ſhould not do their duties, in contributing to "the neceſſities of the ſtate, he muſt, in diſcharge of his "conſcience, uſe thoſe other means which God had "put into his hands, in order to ſave that which the "follies of ſome particular men may otherwiſe put in "danger. Take not this for a threatening," added the king, "for I ſcorn to threaten any but my equals; but "as an admonition from him who, by nature and duty, "has moſt care of your preſervation and proſperity [q]." The lord keeper, by the king's direction, ſubjoined, "This way of parliamentary ſupplies, as his majeſty "told you, he hath choſen, not as the only way, but as "the fitteſt; not becauſe he is deſtitute of others, but "becauſe it is moſt agreeable to the goodneſs of his own "moſt gracious diſpoſition, and to the deſire and weal "of his people. If this be deferred, neceſſity and the "ſword of the enemy make way for the others. Re"member his majeſty's admonition, I ſay, remember "it [r]." From theſe avowed maxims, the commons foreſaw, that, if the leaſt handle were afforded, the king would immediately diſſolve them, and would thenceforward deem himſelf juſtified for violating, in a manner ſtill more open, all the ancient forms of the conſtitution. No remedy could then be looked for, but from inſurrections and civil war, of which the iſſue would be extremely uncertain, and which muſt, in all events, prove calamitous to the nation. To correct the late diſorders in the adminiſtra-

[q] Ruſhworth, vol. i. p. 477. Franklyn, p. 233. [r] Ruſhworth, vol. i. p. 479. Franklyn, p. 234.

tion

tion required ſome new laws, which would, no doubt, appear harſh to a prince, ſo enamoured of his prerogative; and it was requiſite to temper, by the decency and moderation of their debates, the rigour, which muſt neceſſarily attend their determinations. Nothing can give us a higher idea of the capacity of thoſe men, who now guided the commons, and of the great authority which they had acquired, than the forming and executing of ſo judicious and ſo difficult a plan of operations. CHAP. LI. 1628.

THE decency, however, which the popular leaders had preſcribed to themſelves, and recommended to others, hindered them not from making the loudeſt and moſt vigorous complaints againſt the grievances under which the nation had lately laboured. Sir Francis Seymour ſaid, "This is the great council of the kingdom, and here "with certainty, if not here only, his majeſty may ſee, "as in a true glaſs, the ſtate of the kingdom. We are "called hither by his writs, in order to give him faithful "counſel; ſuch as may ſtand with his honour: And "this we muſt do without flattery. We are alſo ſent "hither by the people, in order to deliver their juſt "grievances: And this we muſt do without fear. Let "us not act like Cambyſes's judges, who, when their "approbation was demanded by the prince to ſome illegal meaſure, ſaid, that, *Though there was a written law, "the Perſian kings might follow their own will and pleaſure.* "This was baſe flattery, fitter for our reproof than our "imitation; and as fear, ſo flattery, taketh away the "judgment. For my part, I ſhall ſhun both; and ſpeak "my mind with as much duty as any man to his ma"jeſty, without neglecting the public.

"BUT how can we expreſs our affections, while we "retain our fears; or ſpeak of giving, till we know "whether we have any thing to give? For, if his ma-

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" jeſty may be perſuaded to take what he will, what need " we give?

" THAT this hath been done, appeareth by the bil- " leting of ſoldiers, a thing nowiſe advantageous to the " king's ſervice, and a burthen to the commonwealth: " By the impriſonment of gentlemen for refuſing the " loan, who, if they had done the contrary for fear, had " been as blameable as the projectors of that oppreſſive " meaſure. To countenance theſe proceedings, hath it " not been preached in the pulpit, or rather prated, that " *All we have is the king's by divine right?* But when " preachers forſake their own calling, and turn ignorant " ſtateſmen; we ſee how willing they are to exchange a " good conſcience for a biſhopric.

" HE, I muſt confeſs, is no good ſubject, who would " not, willingly and cheerfully, lay down his life, when " that ſacrifice may promote the intereſts of his ſove- " reign, and the good of the commonwealth. But he " is not a good ſubject, he is a ſlave, who will allow " his goods to be taken from him againſt his will, and " his liberty againſt the laws of the kingdom. By op- " poſing theſe practices, we ſhall but tread in the ſteps " of our foreſathers, who ſtill preferred the public be- " fore their private intereſt, nay, before their very lives. " It will in us be a wrong done to ourſelves, to our po- " ſterities, to our conſciences, if we forego this claim " and pretenſion[s]."

" I READ of a cuſtom," ſaid Sir Robert Philips, "among " the old Romans, that, once every year, they held a " ſolemn feſtival in which their ſlaves had liberty, with- " out exception, to ſpeak what they pleaſed, in order to " eaſe their afflicted minds; and, on the concluſion of " the feſtival, the ſlaves ſeverally returned to their former " ſervitudes.

[s] Franklyn, p. 243. Ruſhworth, vol. i. p. 499.

" THIS

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"THIS inſtitution may, with ſome diſtinction, well "ſet forth our preſent ſtate and condition. After the "revolution of ſome time, and the grievous ſufferance "of many violent oppreſſions, we have now, at laſt, as "thoſe ſlaves, obtained, for a day, ſome liberty of ſpeech: "But ſhall not, I truſt, be hereafter ſlaves: For we are "born free. Yet, what new illegal burthens our eſtates "and perſons have groaned under, my heart yearns to "think of, my tongue faulters to utter.——

"THE grievances, by which we are oppreſſed, I draw "under two heads; acts of power againſt law, and the "judgments of lawyers againſt our liberty."

HAVING mentioned three illegal judgments paſſed within his memory; that by which the Scots, born after James's acceſſion, were admitted to all the privileges of Engliſh ſubjects; that by which the new impoſitions had been warranted; and the late one, by which arbitrary impriſonments were authorized; he thus proceeded:

"I CAN live, though another, who has no right, be "put to live along with me; nay, I can live, though "burthened with impoſitions, beyond what at preſent I "labour under: But to have my liberty, which is the "ſoul of my life, raviſhed from me; to have my perſon "pent up in a jail, without relief by law, and to be ſo "adjudged,——O, improvident anceſtors! O, unwiſe "forefathers! to be ſo curious in providing for the quiet "poſſeſſion of our lands, and the liberties of parliament; "and, at the ſame time, to neglect our perſonal liberty, "and let us lie in priſon, and that during pleaſure, "without redreſs or remedy! If this be law, why do we "talk of liberties? Why trouble ourſelves with diſputes "about a conſtitution, franchiſes, property of goods, and "the like? What may any man call his own, if not the "liberty of his perſon?

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" I AM weary of treading theſe ways; and therefore " conclude to have a ſelect committee, in order to frame " a petition to his majeſty for redreſs of theſe grievances. " And this petition being read, examined, and approved, " may be delivered to the king; of whoſe gracious an- " ſwer we have no cauſe to doubt, our deſires being ſo " reaſonable, our intentions ſo loyal, and the manner ſo " dutiful. Neither need we fear, that this is the critical " parliament, as has been inſinuated; or that this is the " way to diſtraction: But aſſure ourſelves of a happy " iſſue. Then ſhall the king, as he calls us his great " council, find us his true council, and own us his good " council [t]."

THE ſame topics were enforced by Sir Thomas Wentworth. After mentioning projectors and ill miniſters of ſtate, " Theſe," ſaid he, " have introduced a privy- " council, raviſhing, at once, the ſpheres of all ancient " government; deſtroying all liberty; impriſoning us " without bail or bond. They have taken from us—— " What ſhall I ſay? Indeed, what have they left us? " By tearing up the roots of all property, they have " taken from us every means of ſupplying the king, and " of ingratiating ourſelves by voluntary proofs of our " duty and attachment towards him.

" To the making whole all theſe breaches, I ſhall apply " myſelf; and, to all theſe diſeaſes, ſhall propound a reme- " dy. By one and the ſame thing, have the king and the " people been hurt, and by the ſame muſt they be cured. " We muſt vindicate: What? New things? No: Our " ancient, legal, and vital liberties; by reinforcing the " laws enacted by our anceſtors; by ſetting ſuch a ſtamp " upon them, that no licentious ſpirit ſhall dare hence- " forth to invade them. And ſhall we think this a way

[t] Franklyn, p. 245. Parl. Hiſt. vol. vii. p. 363. Ruſhworth, vol. i. p. 502.

" to

" to break a parliament? No: Our deſires are modeſt CHAP. LI.
" and juſt. I ſpeak both for the intereſt of king and
" people. If we enjoy not theſe rights, it will be im- 1628.
" poſſible for us to relieve him. Let us never, there-
" fore, doubt of a favourable reception from his good-
" neſs [u]."

THESE ſentiments were unanimouſly embraced by the whole houſe. Even the court party pretended not to plead, in defence of the late meaſures, any thing but the neceſſity to which the king had been reduced, by the obſtinacy of the two former parliaments. A vote, therefore, was paſſed without oppoſition againſt arbitrary impriſonments and forced loans [w]. And the ſpirit of liberty having obtained ſome contentment by this exertion, the reiterated meſſages of the king, who preſſed for ſupply, were attended to with more temper. Five ſubſidies were voted him; with which, though much inferior to his wants, he declared himſelf well ſatisfied; and even tears of affection ſtarted in his eye, when he was informed of this conceſſion. The duke's approbation too was mentioned by ſecretary Coke; but the conjunction of a ſubject with the ſovereign was ill received by the houſe [x]. Though diſguſted with the king, the jealouſy which they felt for his honour was more ſenſible than that which his unbounded confidence in the duke would allow even himſelf to entertain.

THE ſupply, though voted, was not, as yet, paſſed into a law; and the commons reſolved to employ the interval, in providing ſome barriers to their rights and liberties ſo lately violated. They knew, that their own vote, declaring the illegality of the former meaſures, had not, of itſelf, ſufficient authority to ſecure the conſtitu-

[u] Franklyn, p. 243. Ruſhworth, vol. i. p. 500. [w] Franklyn, p. 251. Ruſhworth, vol. i. p. 513. Whitlocke, p. 9. [x] Ruſhworth, vol. i. p. 526. Whitlocke, p. 9.

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tion againſt future invaſion. Some act to that purpoſe muſt receive the ſanction of the whole legiſlature; and they appointed a committee to prepare the model of ſo important a law. By collecting into one effort all the dangerous and oppreſſive claims of his prerogative, Charles had expoſed them to the hazard of one aſſault; and had farther, by preſenting a nearer view of the conſequences attending them, rouzed the independent genius of the commons. Forced loans, benevolences, taxes without conſent of parliament, arbitrary impriſonments, the billeting of ſoldiers, martial law; theſe were the grievances complained of, and againſt theſe an eternal remedy was to be provided. The commons pretended not, as they affirmed, to any unuſual powers or privileges: They aimed only at ſecuring thoſe which had been tranſmitted them from their anceſtors: And their law they reſolved to call a PETITION OF RIGHT; as implying that it contained a corroboration or explanation of the ancient conſtitution, not any infringement of royal prerogative, or acquiſition of new liberties.

Petition of right.

WHILE the committee was employed in framing the petition of right, the favourers of each party, both in parliament and throughout the nation, were engaged in diſputes about this bill, which, in all likelihood, was to form a memorable æra in the Engliſh government.

THAT the ſtatutes, ſaid the partizans of the commons, which ſecure Engliſh liberty, are not become obſolete, appears hence, that the Engliſh have ever been free, and have ever been governed by law and a limited conſtitution. Privileges in particular, which are founded on the GREAT CHARTER, muſt always remain in force, becauſe derived from a ſource of never-failing authority; regarded in all ages, as the moſt ſacred contract between king and people. Such attention was paid to this charter by our generous anceſtors, that they got the confirmation of it reiterated thirty

thirty ſeveral times; and even ſecured it by a rule, which, though vulgarly received, ſeems in the execution impracticable. They have eſtabliſhed it as a maxim, *That even a ſtatute, which ſhould be enacted in contradiction to any article of that charter, cannot have force or validity.* But with regard to that important article, which ſecures perſonal liberty; ſo far from attempting, at any time, any legal infringement of it, they have corroborated it by ſix ſtatutes, and put it out of all doubt and controverſy. If in practice it has often been violated, abuſes can never come in the place of rules; nor can any rights or legal powers be derived from injury and injuſtice. But the title of the ſubject to perſonal liberty not only is founded on ancient, and therefore the more ſacred laws: It is confirmed by the whole ANALOGY of the government and conſtitution. A free monarchy in which every individual is a ſlave, is a glaring contradiction; and it is requiſite, where the laws aſſign privileges to the different orders of the ſtate, that it likewiſe ſecure the independence of the members. If any difference could be made in this particular, it were better to abandon even life or property to the arbitrary will of the prince; nor would ſuch immediate danger enſue, from that conceſſion, to the laws and to the privileges of the people. To bereave of his life a man not condemned by any legal trial, is ſo egregious an exerciſe of tyranny, that it muſt at once ſhock the natural humanity of princes, and convey an alarm throughout the whole commonwealth. To confiſcate a man's fortune, beſides its being a moſt atrocious act of violence, expoſes the monarch ſo much to the imputation of avarice and rapacity, that it will ſeldom be attempted in any civilized government. But confinement, though a leſs ſtriking, is no leſs ſevere a puniſhment; nor is there any ſpirit, ſo erect and independent, as not to be broken by the long continuance of the ſilent and inglorious ſufferings of a jail.

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The power of impriſonment, therefore, being the moſt natural and potent engine of arbitrary government, it is abſolutely neceſſary to remove it from a government which is free and legal.

THE partizans of the court reaſoned after a different manner. The true rule of government, ſaid they, during any period, is that to which the people, from time immemorial, have been accuſtomed, and to which they naturally pay a prompt obedience. A practice which has ever ſtruck their ſenſes, and of which they have ſeen and heard innumerable precedents, has an authority with them much ſuperior to that which attends maxims, derived from antiquated ſtatutes and mouldy records. In vain do the lawyers eſtabliſh it as a principle, that a ſtatute can never be abrogated by oppoſite cuſtom; but requires to be expreſsly repealed by a contrary ſtatute: While they pretend to inculcate an axiom, peculiar to Engliſh juriſprudence, they violate the moſt eſtabliſhed principles of human nature; and even, by neceſſary conſequence, reaſon in contradiction to law itſelf, which they would repreſent as ſo ſacred and inviolable. A law, to have any authority, muſt be derived from a legiſlature, which has right. And whence do all legiſlatures derive their right but from long cuſtom and eſtabliſhed practice? If a ſtatute, contrary to public good, has, at any time, been raſhly voted and aſſented to, either from the violence of faction, or the inexperience of ſenates and princes, it cannot be more effectually abrogated, than by a train of contrary precedents, which prove, that, by common conſent, it has tacitly been ſet aſide, as inconvenient and impracticable. Such has been the caſe with all thoſe ſtatutes enacted during turbulent times, in order to limit royal prerogative, and cramp the ſovereign in his protection of the public, and his execution of the laws. But above all branches of prerogative, that which is moſt neceſſary

neceſſary to be preſerved, is the power of impriſonment. Faction and diſcontent, like diſeaſes, frequently ariſe in every political body; and during theſe diſorders, it is by the ſalutary exerciſe alone of this diſcretionary power, that rebellions and civil wars can be prevented. To circumſcribe this power, is to deſtroy its nature: Entirely to abrogate it, is impracticable; and the attempt itſelf muſt prove dangerous, if not pernicious to the public. The ſupreme magiſtrate, in critical and turbulent times, will never, agreeably either to prudence or duty, allow the ſtate to periſh, while there remains a remedy, which, how irregular ſoever, it is ſtill in his power to apply. And if, moved by a regard to public good, he employs any exerciſe of power condemned by recent and expreſs ſtatute, how greedily, in ſuch dangerous times, will factious leaders ſeize this pretence of throwing on his government the imputation of tyranny and deſpotiſm? Were the alternative quite neceſſary, it were ſurely much better for human ſociety to be deprived of liberty than to be deſtitute of government.

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IMPARTIAL reaſoners will confeſs, that this ſubject is not, on both ſides, without its difficulties. Where a general and rigid law is enacted againſt arbitrary impriſonment, it would appear, that government cannot, in times of ſedition and faction, be conducted but by temporary ſuſpenſions of the law; and ſuch an expedient was never thought of during the age of Charles. The meetings of parliament were too precarious, and their determinations might be too dilatory, to ſerve in caſes of urgent neceſſity. Nor was it then conceived, that the king did not poſſeſs of himſelf ſufficient power for the ſecurity and protection of his people, or that the authority of theſe popular aſſemblies was ever to become ſo abſolute, that the prince muſt always conform himſelf to it, and could never have any occaſion to guard againſt

their

CHAP. LI. *their* practices, as well as againſt thoſe of his other ſubjects.

1628. THOUGH the houſe of lords was not inſenſible to the reaſons urged in favour of the pretenſions of the commons, they deemed the arguments, pleaded in favour of the crown, ſtill more cogent and convincing. That aſſembly ſeems, during this whole period, to have acted, in the main, a reaſonable and a moderate part; and if their bias inclined a little too much, as is natural, to the ſide of monarchy, they were far from entertaining any deſign of ſacrificing to arbitrary will the liberties and privileges of the nation. Aſhley, the king's ſerjeant, having aſſerted, in a pleading before the peers, that the king muſt ſometimes govern by acts of ſtate as well as by law; this poſition gave ſuch offence, that he was immediately committed to priſon, and was not releaſed but upon his recantation and ſubmiſſion[y]. Being, however, afraid, leſt the commons ſhould go too far in their projected petition, the peers propoſed a plan of one more moderate, which they recommended to the conſideration of the other houſe. It conſiſted merely in a general declaration, that the great charter and the ſix ſtatutes, conceived to be explanations of it, ſtand ſtill in force, to all intents and purpoſes; that, in conſequence of the charter and the ſtatutes, and by the tenor of the ancient cuſtoms and laws of the realm, every ſubject has a fundamental property in his goods, and a fundamental liberty of his perſon; that this property and liberty are as entire at preſent as during any former period of the Engliſh government; that in all common caſes, the common law ought to be the ſtandard of proceedings: "And in caſe, that, for the "ſecurity of his majeſty's perſon, the general ſafety of "his people, or the peaceable government of the king-"dom, the king ſhall find juſt cauſe, for reaſons of

[y] Whitlocke, p. 10.

" ſtate, to impriſon or reſtrain any man's perſon; he was " petitioned graciouſly to declare, that, within a *conveni-* " *ent* time, he ſhall and will expreſs the cauſe of the com- " mitment or reſtraint, either general or ſpecial, and " upon a cauſe ſo expreſſed, will leave the priſoner im- " mediately to be tried according to the common law of " the land[z]."

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ARCHBISHOP Abbot was employed by the lords to recommend, in a conference, this plan of a petition to the houſe of commons. The prelate, as was, no doubt, foreſeen from his known principles, was not extremely urgent in his applications; and the lower houſe was fully convinced, that the general declarations ſignified nothing, and that the latter clauſe left their liberties rather in a worſe condition than before. They proceeded, therefore, with great zeal, in framing the model of a petition, which ſhould contain expreſſions, more preciſe, and more favourable to public freedom.

THE king could eaſily ſee the conſequence of theſe proceedings. Though he had offered, at the beginning of the ſeſſion, to give his conſent to any law for the ſecurity of the rights and liberties of the people; he had not expected that ſuch inroads would be made on his prerogative. In order, therefore, to divert the commons from their intention, he ſent a meſſage, wherein he acknowledged paſt errors, and promiſed, that, hereafter, there ſhould be no juſt cauſe of complaint. And he added, " That the affairs of the kingdom preſs him ſo, that he " could not continue the ſeſſion above a week or two " longer: And if the houſe be not ready, by that time, " to do what is fit for themſelves, it ſhall be their own " fault[a]." On a ſubſequent occaſion, he aſked them, " Why demand explanations, if you doubt not the per-

[z] State Trials, vol. vii. p. 187. Ruſhworth, vol. i. p. 546. [a] State Trials, vol. vii. p. 193.

" formance

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"formance of the ſtatutes, according to their true mean-
"ing? Explanations will hazard an encroachment up-
"on the prerogative. And it may well be ſaid, What
"need a new law to confirm an old, if you repoſe confi-
"dence in the declarations, which his majeſty made to
"both houſes[b]?" The truth is, the great charter and the old ſtatutes were ſufficiently clear in favour of perſonal liberty: But as all kings of England had ever, in caſes of neceſſity or expediency, been accuſtomed, at intervals, to elude them; and as Charles, in a complication of inſtances, had lately violated them; the commons judged it requiſite to enact a new law, which might not be eluded or violated, by any interpretation, conſtruction, or contrary precedent. Nor was it ſufficient, they thought, that the king promiſed to return into the way of his predeceſſors. His predeceſſors, in all times, had enjoyed too much diſcretionary power; and by his recent abuſe of it, the whole world had reaſon to ſee the neceſſity of entirely retrenching it.

THE king ſtill perſevered in his endeavours to elude the petition. He ſent a letter to the houſe of lords, in which he went ſo far as to make a particular declaration "That neither he nor his privy-council ſhall or will, at "any time hereafter, commit or command to priſon, or "otherwiſe reſtrain, any man for not lending money, "or for any other cauſe, which, in his conſcience, he "thought not to concern the public good, and the ſafety "of king and people." And he farther declared, "That "he never would be guilty of ſo baſe an action as to pre-"tend any cauſe, of whoſe truth he was not fully ſatiſ-"fied[c]." But this promiſe, though enforced to the commons by the recommendation of the upper houſe, made no more impreſſion than all the former meſſages.

[b] State Trials, vol. vii. p. 196. Ruſhworth, vol. i. p. 556. [c] State Trials, vol. vii. p. 198. Ruſhworth, vol. i. p. 560. Parl. Hiſt. vol. viii. p 111.

AMONG

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AMONG the other evaſions of the king, we may reckon the propoſal of the houſe of peers, to ſubjoin, to the intended petition of right, the following clauſe: "We "humbly preſent this petition to your majeſty, not only "with a care of preſerving our own liberties, but with "due regard to leave entire that *ſovereign power*, with "which your majeſty is entruſted for the protection, "ſafety, and happineſs of your people[d]." Leſs penetration than was poſſeſſed by the leaders of the houſe of commons, could eaſily diſcover how captious this clauſe was, and how much it was calculated to elude the whole force of the petition.

THESE obſtacles, therefore, being ſurmounted, the petition of right paſſed the commons, and was ſent to the upper houſe[e]. The peers, who were probably well pleaſed in ſecret, that all their ſolicitations had been eluded by the commons, quickly paſſed the petition without any material alteration; and nothing but the royal aſſent was wanting to give it the force of a law. The king accordingly came to the houſe of peers; ſent for the commons; and, being ſeated in his chair of ſtate, the petition was read to him. Great was now the aſtoniſhment of all men, when, inſtead of the uſual conciſe, and clear form, by which a bill is either confirmed or rejected, Charles ſaid, in anſwer to the petition, "The king willeth, that right "be done according to the laws and cuſtoms of the "realm, and that the ſtatutes be put into execution; "that his ſubjects may have no cauſe to complain of any "wrong or oppreſſion, contrary to their juſt rights and "liberties, to the preſervation whereof he holds himſelf in conſcience as much obliged as of his own prerogative[f]."

[d] State Trials, vol. vii. p. 199. Ruſhworth, vol. i. p. 561. Parl. Hiſt. vol. viii. p. 116. Whitlocke, p. 10. [e] See note [U] at the end of the volume. [f] State Trials, vol. vii. p. 212. Ruſhworth, vol. i. p. 590.

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IT is ſurpriſing, that Charles, who had ſeen ſo many inſtances of the jealouſy of the commons, who had himſelf ſo much rouſed that jealouſy by his frequent evaſive meſſages during this ſeſſion, could imagine that they would reſt ſatisfied with an anſwer ſo vague and undeterminate. It was evident, that the unuſual form alone of the anſwer muſt excite their attention; that the diſappointment muſt inflame their anger; and that therefore it was neceſſary, as the petition ſeemed to bear hard on royal prerogative, to come early to ſome fixed reſolution, either gracefully to comply with it, or courageouſly to reject it.

IT happened as might have been foreſeen. The commons returned in very ill humour. Uſually, when in that diſpoſition, their zeal for religion, and their enmity againſt the unfortunate catholics, ran extremely high. But they had already, in the beginning of the ſeſſion, preſented their petition of religion, and had received a ſatisfactory anſwer; though they expected, that the execution of the laws againſt papiſts would, for the future, be no more exact and rigid, than they had hitherto found it. To give vent to their preſent indignation, they fell with their utmoſt force on Dr. Manwaring.

THERE is nothing which tends more to excuſe, if not to juſtify, the extreme rigour of the commons towards Charles, than his open encouragement and avowal of ſuch general principles as were altogether incompatible with a limited government. Manwaring had preached a ſermon, which the commons found, upon enquiry, to be printed by ſpecial command of the king[g]; and, when this ſermon was looked into, it contained doctrines ſubverſive of all civil liberty. It taught, that, though property was commonly lodged in the ſubject, yet, whenever

[g] Parl. Hiſt. vol. viii. p. 206.

any

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any exigency required ſupply, all property was transferred to the ſovereign; that the conſent of parliament was not neceſſary for the impoſition of taxes; and that the divine laws required compliance with every demand, how irregular ſoever, which the prince ſhould make upon his ſubjects[h]. For theſe doctrines the commons impeached Manwaring. The ſentence, pronounced upon him by the peers, was, that he ſhould be impriſoned during the pleaſure of the houſe, be fined a thouſand pounds to the king, make ſubmiſſion and acknowledgment for his offence, be ſuſpended during three years, be incapable of holding any eccleſiaſtical dignity or ſecular office, and that his book be called in and burnt[i].

It may be worthy of notice, that no ſooner was the ſeſſion ended, than this man, ſo juſtly obnoxious to both houſes, received a pardon, and was promoted to a living of conſiderable value[k]. Some years after, he was raiſed to the ſee of St. Aſaph. If the republican ſpirit of the commons encreaſed, beyond all reaſonable bounds, the monarchical ſpirit of the court, this latter, carried to ſo high a pitch, tended ſtill farther to augment the former. And thus extremes were every where affected, and the juſt medium was gradually deſerted by all men.

From Manwaring, the houſe of commons proceeded to cenſure the conduct of Buckingham, whoſe name hitherto they had cautiouſly forborn to mention[l]. In vain did the king ſend them a meſſage, in which he told them, that the ſeſſion was drawing near to a concluſion; and deſired, that they would not enter upon new buſineſs, nor caſt any aſperſions on his government and miniſtry[m]. Though the court endeavoured to explain

[h] Roſhworth, vol. i. p. 585. 594. Parl. Hiſt. vol. viii. p. 168, 169, 170, &c. Welwood, p. 44. [i] Ruſhworth, vol. i. p. 65. Parl. Hiſt. vol. viii. p. 212. [k] Ruſhworth, vol. i. p. 635. Whitlocke, p. 11. [l] Ruſhworth, vol. i. p. 607. [m] Ibid. vol. i. p. 605.

and

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and ſoften this meſſage by a ſubſequent meſſage[n]; as Charles was apt haſtily to correct any haſty ſtep, which he had taken; it ſerved rather to inflame than appeaſe the commons: As if the method of their proceedings had here been preſcribed to them. It was foreſeen, that a great tempeſt was ready to burſt on the duke; and in order to divert it, the king thought proper, upon a joint application of the lords and commons[o], to endeavour giving them ſatisfaction with regard to the petition of right. He came therefore to the houſe of peers, and pronouncing the uſual form of words, *Let it be law as is deſired*, gave full ſanction and authority to the petition. The acclamations with which the houſe reſounded, and the univerſal joy diffuſed over the nation, ſhowed how much this petition had been the object of all men's vows and expectations[p].

It may be affirmed, without any exaggeration, that the king's aſſent to the petition of right produced ſuch a change in the government, as was almoſt equivalent to a revolution; and by circumſcribing, in ſo many articles, the royal prerogative, gave additional ſecurity to the liberties of the ſubject. Yet were the commons far from being ſatisfied with this important conceſſion. Their ill humour had been ſo much irritated by the king's frequent evaſions and delays, that it could not be preſently appeaſed by an aſſent, which he allowed to be ſo reluctantly extorted from him. Perhaps too, the popular leaders, implacable and artful, ſaw the opportunity favourable; and, turning againſt the king thoſe very weapons with which he had furniſhed them, reſolved to purſue the victory. The bill, however, for five ſubſidies, which had been formerly voted, immediately paſſed

[n] Ruſhworth, vol. i. p. 610. Parl. Hiſt. vol. viii. p. 197.

[o] Ruſhworth, vol. i. 613. Journ. 7th June, 1628. Parl. Hiſt. vol. viii. p. 201. [p] Ruſhworth, vol. i. p. 613.

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the houſe, becauſe the granting of that ſupply was, in a manner, tacitly contracted for, upon the royal aſſent to the petition; and had faith been here violated, no farther confidence could have ſubſiſted between king and parliament. Having made this conceſſion, the commons continued to carry their ſcrutiny into every part of government. In ſome particulars, their induſtry was laudable; in ſome, it may be liable to cenſure. CHAP. LI. 1628.

A LITTLE after writs were iſſued for ſummoning this parliament, a commiſſion had been granted to Sir Thomas Coventry, lord keeper, the earl of Marlborough, treaſurer, the earl of Mancheſter, preſident of the council, the earl of Worceſter, privy ſeal, the duke of Buckingham, high admiral, and all the conſiderable officers of the crown, in the whole thirty-three. By this commiſſion, which from the number of perſons named in it, could be no ſecret, the commiſſioners were empowered to meet and to concert among themſelves the methods of levying money by impoſitions, or otherwiſe; *Where form and circumſtance*, as expreſſed in the commiſſion, *muſt be diſpenſed with, rather than the ſubſtance be loſt or hazarded*[p]. In other words, this was a ſcheme for finding expedients, which might raiſe the prerogative to the greateſt height, and render parliaments entirely uſeleſs. The commons applied for cancelling the commiſſion[q]; and were, no doubt, deſirous that all the world ſhould conclude the king's principles to be extremely arbitrary, and ſhould obſerve what little regard he was diſpoſed to pay to the liberties and privileges of his people.

A COMMISSION had likewiſe been granted, and ſome money remitted, in order to raiſe a thouſand German horſe, and tranſport them into England. Theſe were

[p] Ruſh. vol. i. p. 614. Parl. Hiſt. vol. viii. p. 214. [q] Journ. 13 June, 1628.

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ſuppoſed to be levied, in order to ſupport the projected impoſitions or exciſes; though the number ſeems inſufficient for ſuch a purpoſe[r]. The houſe took notice of this deſign in ſevere terms: And no meaſure, ſurely, could be projected more generally odious to the whole nation. It muſt, however, be confeſſed, that the king was ſo far right, that he had, now at laſt, fallen on the only effectual method for ſupporting his prerogative. But at the ſame time, he ſhould have been ſenſible, that, till provided with a ſufficient military force, all his attempts, in oppoſition to the riſing ſpirit of the nation, muſt, in the end, prove wholly fruitleſs; and that the higher he ſcrewed up the ſprings of government, while he had ſo little real power to retain them in that forced ſituation, with more fatal violence muſt they fly out, when any accident occurred to reſtore them to their natural action.

THE commons next reſumed their cenſure of Buckingham's conduct and behaviour, againſt whom they were implacable. They agreed to preſent a remonſtrance to the king, in which they recapitulated all national grievances and misfortunes, and omitted no circumſtance, which could render the whole adminiſtration deſpicable and odious. The compoſitions with catholics, they ſaid, amounted to no leſs than a toleration, hateful to God, full of diſhonour and diſprofit to his majeſty, and of extreme ſcandal and grief to his good people: They took notice of the violations of liberty above mentioned againſt which the petition of right ſeems to have provided a ſufficient remedy: They mentioned the decay of trade, the unſucceſsful expeditions to Cadiz and the iſle of Rhé, the encouragement given to Arminians, the commiſſion for tranſporting German horſe, that for levying illegal impoſitions; and all theſe grievances they aſcribed ſolely to the

[r] Ruſh. vol. i. p. 612.

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ill-conduct of the duke of Buckingham [s]. This remonſtrance was, perhaps, not the leſs provoking to Charles, becauſe, joined to the extreme acrimony of the ſubject, there were preſerved in it, as in moſt of the remonſtrances of that age, an affected civility and ſubmiſſion in the language. And as it was the firſt return which he met with for his late beneficial conceſſions, and for his ſacrifices of prerogative, the greateſt by far ever made by an Engliſh ſovereign, nothing could be more the object of juſt and natural indignation.

It was not without good grounds, that the commons were ſo fierce and aſſuming. Though they had already granted the king the ſupply of five ſubſidies, they ſtill retained a pledge in their hands, which, they thought, enſured them ſucceſs in all their applications. Tonnage and poundage had not yet been granted by parliament; and the commons had artfully, this ſeſſion, concealed their intention of invading that branch of revenue, till the royal aſſent had been obtained to the petition of right, which they juſtly deemed of ſuch importance. They then openly aſſerted, that the levying of tonnage and poundage without conſent of parliament, was a palpable violation of the ancient liberties of the people, and an open infringement of the petition of right, ſo lately granted [t]. The king, in order to prevent the finiſhing and preſenting of this remonſtrance, came ſuddenly to the parliament, and ended this ſeſſion by a prorogation [u]. Prorogation. 26th June.

Being freed, for ſome time, from the embarraſſment of this aſſembly, Charles began to look towards foreign wars, where all his efforts were equally unſucceſsful, as in his domeſtic government. The earl of Denbigh, brother-in-law to Buckingham, was diſpatched to the re-

[s] Ruſh. vol. i. p. 619. Parl. Hiſt. vol. viii. p. 219, 220, &c.
[t] Ruſh. vol. i. p. 628. Journ. 18, 20 June, 1628.
[u] Journ. 26 June, 1628.

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lief of Rochelle, now clofely befieged by land, and threatened with a blockade by ſea: But he returned without effecting any thing; and having declined to attack the enemy's fleet, he brought on the Engliſh arms the imputation either of cowardice or ill-conduct. In order to repair this diſhonour, the duke went to Portſmouth; where he had prepared a conſiderable fleet and army, on which all the ſubſidies given by parliament, had been expended. This ſupply had very much diſappointed the king's expectations. The ſame mutinous ſpirit, which prevailed in the houſe of commons, had diffuſed itſelf over the nation; and the commiſſioners, appointed for making the aſſeſſments, had connived at all frauds, which might diminiſh the ſupply, and reduce the crown to ſtill greater neceſſities. This national diſcontent, communicated to a deſperate enthuſiaſt, ſoon broke out in an event, which may be conſidered as remarkable.

THERE was one Felton, of a good family, but of an ardent, melancholic temper, who had ſerved under the duke, in the ſtation of lieutenant. His captain being killed in the retreat at the iſle of Rhé, Felton had applied for the company; and when diſappointed, he threw up his commiſſion, and retired in diſcontent from the army. While private reſentment was boiling in his ſullen, unſociable mind, he heard the nation reſound with complaints againſt the duke; and he met with the remonſtrance of the commons, in which his enemy was repreſented as the cauſe of every national grievance, and as the great enemy of the public. Religious fanaticiſm farther inflamed theſe vindictive reflections; and he fancied, that he ſhould do heaven acceptable ſervice, if, at one blow, he diſpatched this dangerous foe to religion and to his country[w]. Full of theſe dark views he ſecretly arrived at Portſmouth, at the ſame time with the

[w] May's Hiſt. of the Parliament, p. 10.

duke,

duke, and watched for an opportunity of effecting his bloody purpoſe. CHAP. LI.

1628. 23d Auguſt.

BUCKINGHAM had been engaged in converſation with Soubize and other French gentlemen; and a difference of ſentiment having ariſen, the diſpute, though conducted with temper and decency, had produced ſome of thoſe vehement geſticulations and lively exertions of voice, in which that nation, more than the Engliſh, are apt to indulge themſelves. The converſation being finiſhed, the duke drew towards the door; and in that paſſage, turning himſelf to ſpeak to Sir Thomas Fryar, a colonel in the army, he was, on the ſudden, over Sir Thomas's ſhoulder, ſtruck upon the breaſt with a knife. Without uttering other words than *The villain has killed me*; in the ſame moment pulling out the knife, he breathed his laſt. Death of Buckingham.

No man had ſeen the blow, nor the perſon who gave it; but in the confuſion, every one made his own conjecture; and all agreed that the murder had been committed by the French gentlemen, whoſe angry tone of voice had been heard, while their words had not been underſtood by the byſtanders. In the hurry of revenge, they had inſtantly been put to death, had they not been ſaved by ſome of more temper and judgment, who, though they had the ſame opinion of their guilt, thought proper to reſerve them for a judicial trial and examination.

NEAR the door, there was found a hat, in the inſide of which was ſewed a paper, containing four or five lines of that remonſtrance of the commons, which declared Buckingham an enemy to the kingdom; and under theſe lines was a ſhort ejaculation, or attempt towards a prayer. It was eaſily concluded that this hat belonged to the aſſaſſin: But the difficulty ſtill remained, *Who that perſon ſhould be?* For the writing diſcovered not the name;

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and whoever he was, it was natural to believe, that he had already fled far enough not to be found without a hat.

In this hurry, a man without a hat was ſeen walking very compoſedly before the door. One crying out, *Here is the fellow who killed the duke*; every body ran to aſk, *Which is he?* The man very ſedately anſwered, *I am he.* The more furious immediately ruſhed upon him with drawn ſwords: Others, more deliberate, defended and protected him: He himſelf, with open arms, calmly and cheerfully expoſed his breaſt to the ſwords of the moſt enraged; being willing to fall a ſudden ſacrifice to their anger, rather than be reſerved for that public juſtice, which, he knew, muſt be executed upon him.

He was now known to be that Felton, who had ſerved in the army. Being carried into a private room, it was thought proper ſo far to diſſemble as to tell him, that Buckingham was only grievouſly wounded, but not without hopes of recovery. Felton ſmiled and told them, that the duke, he knew full well, had received a blow, which had terminated all their hopes. When aſked, at whoſe inſtigation he had performed that horrid deed? he replied, that they needed not to trouble themſelves in that enquiry; that no man living had credit enough with him to have diſpoſed him to ſuch an action; that he had not even entruſted his purpoſe to any one; that the reſolution proceeded only from himſelf, and the impulſe of his own conſcience; and that his motives would appear, if his hat were found: For that, believing he ſhould periſh in the attempt, he had there taken care to explain them [x].

When the king was informed of this aſſaſſination, he received the news in public with an unmoved and undiſturbed countenance; and the courtiers, who ſtudied his

[x] Clarendon, vol. i. p. 27, 28.

looks,

looks, concluded, that ſecretly he was not diſpleaſed to be rid of a miniſter, ſo generally odious to the nation[y]. But Charles's command of himſelf proceeded entirely from the gravity and compoſure of his temper. He was ſtill, as much as ever, attached to his favourite; and, during his whole life, he retained an affection for Buckingham's friends, and a prejudice againſt his enemies. He urged, too, that Felton ſhould be put to the queſtion, in order to extort from him a diſcovery of his accomplices: But the judges declared, that, though that practice had formerly been very uſual, it was altogether illegal. So much more exact reaſoners, with regard to law, had they become, from the jealous ſcruples of the houſe of commons. CHAP. LI. 1628.

MEANWHILE the diſtreſs of Rochelle had riſen to the utmoſt extremity. That vaſt genius of Richlieu, which made him form the greateſt enterprizes, led him to attempt their execution, by means equally great and extraordinary. In order to deprive Rochelle of all ſuccour, he had dared to project the throwing acroſs the harbour a mole of a mile's extent in that boiſterous ocean; and having executed his project, he now held the town cloſely blockaded on all ſides. The inhabitants, though preſſed with the greateſt rigours of famine, ſtill refuſed to ſubmit; being ſupported, partly by the lectures of their zealous preachers, partly by the daily hopes of relief from England. After Buckingham's death, the command of the fleet and army was conferred on the earl of Lindeſey; who, arriving before Rochelle, made ſome attempts to break through the mole, and force his way into the harbour: But by the delays of the Engliſh, that work was now fully finiſhed and fortified; and the Rochellers, finding their laſt hopes to fail them, were reduced to ſurrender at diſcretion, even in ſight of the Engliſh admiral. Of 18th October.

[y] Warwick, p. 34.

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fifteen thouſand perſons, ſhut up in the city, four thouſand alone ſurvived the fatigues and famine, which they had undergone [z].

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THIS was the firſt neceſſary ſtep towards the proſperity of France. Foreign enemies, as well as domeſtic factions, being deprived of this reſource, that kingdom began now to ſhine forth in its full ſplendour. By a ſteddy proſecution of wiſe plans, both of war and policy, it gradually gained an aſcendant over the rival power of Spain; and every order of the ſtate, and every ſect, were reduced to pay ſubmiſſion to the lawful authority of the ſovereign. The victory, however, over the hugonots, was, at firſt, puſhed by the French king with great moderation. A toleration was ſtill continued to them; the only avowed and open toleration, which, at that time, was granted in any European kingdom.

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THE failure of an enterprize, in which the Engliſh nation, from religious ſympathy, ſo much intereſted themſelves, could not but diminiſh the king's authority in the parliament during the approaching ſeſſion: But the commons, when aſſembled, found many other cauſes of complaint. Buckingham's conduct and character, with ſome had afforded a reaſon, with others a pretence, for diſcontent againſt public meaſures: But after his death, there wanted not new reaſons and new pretences for general diſſatisfaction. Manwaring's pardon and promotion were taken notice of: Sibthorpe and Coſins, two clergymen, who, for like reaſons, were no leſs obnoxious to the commons, had met with like favour from the king: Montague, who had been cenſured for moderation towards the catholics, the greateſt of crimes, had been created biſhop of Chicheſter. They found, likewiſe, upon enquiry, that all the copies of the petition of

20th Jan. New ſeſſion of parliament.

[z] Ruſh. vol. i. p. 636.

right,

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right, which were diſperſed, had, by the king's orders, annexed to them the firſt anſwer, which had given ſo little ſatisfaction to the commons[a]: An expedient by which Charles endeavoured to perſuade the people that he had nowiſe receded from his former claims and pretenſions, particularly with regard to the levying of tonnage and poundage. Selden alſo complained in the houſe, that one Savage, contrary to the petition of right, had been puniſhed with the loſs of his ears, by a diſcretionary or arbitrary ſentence of the ſtar-chamber[b]. So apt were they, on their part, to ſtretch the petition into ſuch conſequences as might deprive the crown of powers which, from immemorial cuſtom, were ſuppoſed inherent in it.

Tonnage and poundage.

BUT the great article on which the houſe of commons broke with the king, and which finally created in Charles a diſguſt to all parliaments, was their claim with regard to tonnage and poundage. On this occaſion, therefore, it is neceſſary to give an account of the controverſy.

THE duty of tonnage and poundage, in more ancient times, had been commonly a temporary grant of parliament; but it had been conferred on Henry V. and all the ſucceeding princes, during life, in order to enable them to maintain a naval force for the defence of the kingdom. The neceſſity of levying this duty had been ſo apparent, that each king had ever claimed it from the moment of his acceſſion; and the firſt parliament of each reign had uſually, by vote, conferred on the prince what they found him already in poſſeſſion of. Agreeably to the inaccurate genius of the old conſtitution, this abuſe, however conſiderable, had never been perceived nor remedied; though nothing could have been eaſier than for the parliament to have prevented it[c]. By granting this duty

a State Trials, vol. vii. p. 216. Ruſh. vol. i. p. 643. b State Trials, vol. vii. p. 216. Parl. Hiſt. vol. viii. p. 246. c Parl. Hiſt. vol. viii. p. 339, 340.

to

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to each prince, during his own life, and, for a year after his demiſe, to the ſucceſſor, all inconveniencies had been obviated; and yet the duty had never, for a moment, been levied without proper authority. But contrivances of that nature were not thought of during thoſe rude ages: And as ſo complicated and jealous a government as the Engliſh cannot ſubſiſt without many ſuch refinements; it is eaſy to ſee how favourable every inaccuracy muſt formerly have proved to royal authority, which, on all emergencies, was obliged to ſupply, by diſcretionary power, the great deficiency of the laws.

THE parliament did not grant the duty of tonnage and poundage to Henry VIII. till the ſixth of his reign: Yet this prince, who had not then raiſed his power to its greateſt height, continued, during that whole time, to levy the impoſition: The parliament, in their very grant, blame the merchants who had neglected to make payment to the crown; and though one expreſſion of that bill may ſeem ambiguous, they employ the plaineſt terms in calling tonnage and poundage the king's due, even before that duty was conferred on him by parliamentary authority[d]. Four reigns, and above a whole century, had ſince elapſed; and this revenue had ſtill been levied before it was voted by parliament. So long had the inaccuracy continued, without being remarked or corrected.

DURING that ſhort interval which paſſed between Charles's acceſſion and his firſt parliament, he had followed the example of his predeceſſors; and no fault was found with his conduct in this particular. But what was moſt remarkable in the proceedings of that houſe of commons, and what proved beyond controverſy that they had ſeriouſly formed a plan for reducing their prince to ſubjection, was, that inſtead of granting this ſup-

[d] 6 Henry VIII. cap. 14.

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ply during the king's life-time, as it had been enjoyed by all his immediate predeceſſors, they voted it only for a year; and, after that ſhould be elapſed, reſerved to themſelves the power of renewing or refuſing the ſame conceſſion[e]. But the houſe of peers, who ſaw that this duty was now become more neceſſary than ever to ſupply the growing neceſſities of the crown, and who did not approve of this encroaching ſpirit in the commons, rejected the bill; and the diſſolution of that parliament followed ſo ſoon after, that no attempt ſeems to have been made for obtaining tonnage and poundage in any other form[f]. CHAP. LI. 1629.

CHARLES, meanwhile, continued ſtill to levy this duty by his own authority; and the nation was ſo accuſtomed to that exertion of royal power, that no ſcruple was at firſt entertained of ſubmitting to it. But the ſucceeding parliament excited doubts in every one. The commons took there ſome ſteps towards declaring it illegal to levy tonnage and poundage without conſent of parliament; and they openly ſhowed their intention of employing this engine, in order to extort from the crown conceſſions of the moſt important nature. But Charles was not yet ſufficiently tamed to compliance; and the abrupt diſſolution of that parliament, as above related, put an end, for the time, to their farther pretenſions.

THE following interval, between the ſecond and third parliament, was diſtinguiſhed by ſo many exertions of prerogative, that men had little leiſure to attend to the affair of tonnage and poundage, where the abuſe of power in the crown might ſeem to be of a more diſputable nature. But after the commons, during the precedent ſeſſion, had remedied all theſe grievances by means of their petition of right, which they deemed ſo neceſſary; they afterwards proceeded to take the matter into conſideration, and they ſhowed the ſame intention, as formerly,

[e] Journ. 5 July, 1625.

[f] See note [X] at the end of the volume.

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merly, of exacting, in return for the grant of this revenue, very large compliances on the part of the crown. Their ſudden prorogation prevented them from bringing their pretenſions to a full concluſion.

When Charles opened this ſeſſion, he had foreſeen, that the ſame controverſy would ariſe; and he therefore took care, very early, among many mild and reconciling expreſſions, to inform the commons, "That he had not "taken theſe duties as appertaining to his hereditary pre-"rogative; but that it ever was, and ſtill is, his meaning "to enjoy them as a gift of his people: And that, if "he had hitherto levied tonnage and poundage, he pre-"tended to juſtify himſelf only by the neceſſity of ſo "doing, not by any right which he aſſumed[g]." This conceſſion, which probably aroſe from the king's moderate temper, now freed from the impulſe of Buckingham's violent counſels, might have ſatisfied the commons, had they entertained no other view than that of aſcertaining their own powers and privileges. But they carried their pretenſions much higher. They inſiſted, as a neceſſary preliminary, that the king ſhould once entirely deſiſt from levying theſe duties; after which, they were to take it into conſideration, how far they would reſtore him to the poſſeſſion of a revenue, of which he had clearly diveſted himſelf. But, beſides that this extreme rigour had never been exerciſed towards any of his predeceſſors, and many obvious inconveniences muſt follow from the intermiſſion of the cuſtoms; there were other reaſons which deterred Charles from complying with ſo hard a condition. It was probable that the commons might renew their former project of making this revenue only temporary, and thereby reducing their prince to perpetual dependence; they certainly would cut off the new impoſitions which Mary and Elizabeth, but eſpeci-

[g] Ruſhworth, vol. i. p. 644. Parl. Hiſt. vol. viii. p. 256. 346.

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ally James, had levied, and which formed no deſpicable part of the public revenue; and they openly declared, that they had, at preſent, many important pretenſions, chiefly with regard to religion; and if compliance were refuſed, no ſupply muſt be expected from the commons. CHAP. LI. 1629.

It is eaſy to ſee in what an inextricable labyrinth Charles was now involved. By his own conceſſions, by the general principles of the Engliſh government, and by the form of every bill which had granted this duty, tonnage and poundage was derived entirely from the free gift of the people; and, conſequently, might be withdrawn at their pleaſure. If unreaſonable in their refuſal, they ſtill refuſed nothing but what was their own. If public neceſſity required this ſupply, it might be thought alſo to require the king's compliance with thoſe conditions, which were the price of obtaining it. Though the motive for granting it had been the enabling of the king to guard the ſeas; it did not follow, that becauſe he guarded the ſeas, he was therefore entitled to this revenue, without farther formality: Since the people had ſtill reſerved to themſelves the right of judging how far that ſervice merited ſuch a ſupply. But Charles, notwithſtanding his public declaration, was far from aſſenting to this concluſion in its full extent. The plain conſequence, he ſaw, of all theſe rigours, and refinements, and inferences, was, that he, without any public neceſſity, and without any fault of his own, muſt, of a ſudden, even from his acceſſion, become a magiſtrate of a very different nature from any of his predeceſſors, and muſt fall into a total dependence on ſubjects over whom former kings, eſpecially thoſe immediately preceding, had exerciſed an authority almoſt unlimited. Entangled in a chain of conſequences, which he could not eaſily break, he was inclined to go higher, and rather deny the firſt principle, than admit of concluſions which to him appeared

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peared ſo abſurd and unreaſonable. Agreeably to the ideas hitherto entertained both by natives and foreigners, the monarch he eſteemed the eſſence and ſoul of the Engliſh government; and whatever other power pretended to annihilate or even abridge the royal authority, muſt neceſſarily, he thought, either in its nature or exerciſe, be deemed no better than an uſurpation. Willing to preſerve the ancient harmony of the conſtitution, he had ever intended to comply, as far as he *eaſily* could, with the ancient forms of adminiſtration: But when theſe forms appeared to him, by the inveterate obſtinacy of the commons, to have no other tendency than to diſturb that harmony, and to introduce a new conſtitution; he concluded, that, in this violent ſituation, what was ſubordinate muſt neceſſarily yield to what was principal, and the privileges of the people, for a time, give place to royal prerogative. From the rank of a monarch, to be degraded into a ſlave of his inſolent, ungrateful ſubjects, ſeemed, of all indignities, the greateſt; and nothing, in his judgment, could exceed the humiliation attending ſuch a ſtate, but the meanneſs of tamely ſubmitting to it, without making ſome efforts to preſerve the authority tranſmitted to him by his predeceſſors.

THOUGH theſe were the king's reflections and reſolutions before the parliament aſſembled, he did not immediately break with them, upon their delay in voting him this ſupply. He thought that he could better juſtify any ſtrong meaſure which he might afterwards be obliged to take, if he allowed them to carry to the utmoſt extremities their attacks upon his government and prerogative [h]. He contented himſelf, for the preſent, with ſoliciting the houſe by meſſages and ſpeeches. But the commons, inſtead of hearkening to his ſolicitations, proceeded to carry their ſcrutiny into his management of religion [i], which

[h] Ruſhworth, vol. i. p. 642. [i] Idem, ibid. p. 651. Whitlocke, p. 12.

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was the only grievance to which, in their opinion, they had not as yet, by their petition of right, applied a ſufficient remedy. CHAP. LI. 1629.

Arminianiſm.

It was not poſſible that this century, ſo fertile in religious ſects and diſputes, could eſcape the controverſy concerning fataliſm and free-will, which, being ſtrongly interwoven both with philoſophy and theology, had, in all ages, thrown every ſchool and every church into ſuch inextricable doubt and perplexity. The firſt reformers in England, as in other European countries, had embraced the moſt rigid tenets of predeſtination and abſolute decrees, and had compoſed, upon that ſyſtem, all the articles of their religious creed. But theſe principles having met with oppoſition from Arminius and his ſectaries, the controverſy was ſoon brought into this iſland, and began here to diffuſe itſelf. The Arminians, finding more encouragement from the ſuperſtitious ſpirit of the church than from the fanaticiſm of the puritans, gradually incorporated themſelves with the former; and ſome of that ſect, by the indulgence of James and Charles, had attained the higheſt preferments in the hierarchy. But their ſucceſs with the public had not been altogether anſwerable to that which they met with in the church and the court. Throughout the nation, they ſtill lay under the reproach of innovation and hereſy. The commons now levelled againſt them their formidable cenſures, and made them the objects of daily invective and declamation. Their protectors were ſtigmatized; their tenets canvaſſed; their views repreſented as dangerous and pernicious. To impartial ſpectators ſurely, if any ſuch had been at that time in England, it muſt have given great entertainment, to ſee a popular aſſembly, enflamed with faction and enthuſiaſm, pretend to diſcuſs queſtions to which the greateſt philoſophers, in the tranquillity of retreat, had never hitherto been able to find any ſatisfactory ſolution.

Amidst

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AMIDST that complication of diſputes in which men were then involved, we may obſerve, that the appellation *puritan* ſtood for three parties, which, though commonly united, were yet actuated by very different views and motives. There were the political puritans, who maintained the higheſt principles of civil liberty; the puritans in diſcipline, who were averſe to the ceremonies and epiſcopal government of the church; and the doctrinal puritans, who rigidly defended the ſpeculative ſyſtem of the firſt reformers. In oppoſition to all theſe ſtood the court party, the hierarchy, and the Arminians; only with this diſtinction, that the latter ſect, being introduced a few years before, did not, as yet, comprehend all thoſe who were favourable to the church and to monarchy. But, as the controverſies on every ſubject grew daily warmer, men united themſelves more intimately with their friends, and ſeparated themſelves wider from their antagoniſts; and the diſtinction gradually became quite uniform and regular.

THIS houſe of commons, which, like all the preceding during the reigns of James and Charles, and even of Elizabeth, was much governed by the puritanical party, thought that they could not better ſerve their cauſe, than by branding and puniſhing the Arminian ſect, which, introducing an innovation in the church, were the leaſt favoured and leaſt powerful of all their antagoniſts. From this meaſure it was eaſily foreſeen, that, beſides gratifying the animoſity of the doctrinal puritans, both the puritans in diſcipline, and thoſe in politics, would reap conſiderable advantages. Laud, Neile, Montague, and other biſhops, who were the chief ſupporters of epiſcopal government, and the moſt zealous partizans of the diſcipline and ceremonies of the church, were all ſuppoſed to be tainted with Arminianiſm. The ſame men and their diſciples were the ſtrenuous preachers of paſſive obedience,

obedience, and of entire ſubmiſſion to princes; and if theſe could once be cenſured, and be expelled the church and court, it was concluded, that the hierarchy would receive a mortal blow, the ceremonies be leſs rigidly inſiſted on, and the king, deprived of his moſt faithful friends, be obliged to abate thoſe high claims of prerogative, on which at preſent he inſiſted. CHAP. LI. 1629.

But Charles, beſides a view of the political conſequences, which muſt reſult from a compliance with ſuch pretenſions, was ſtrongly determined, from principles of piety and conſcience, to oppoſe them. Neither the diſſipation incident to youth, nor the pleaſures attending a high fortune, had been able to prevent this virtuous prince from embracing the moſt ſincere ſentiments of religion; and that character which, in that religious age ſhould have been of infinite advantage to him, proved in the end the chief cauſe of his ruin: Merely becauſe the religion adopted by him was not of that preciſe mode and ſect which *began* to prevail among his ſubjects. His piety, though remote from popery, had a tincture of ſuperſtition in it; and, being averſe to the gloomy ſpirit of the puritans, was repreſented by them as tending towards the abominations of antichriſt. Laud alſo had unfortunately acquired a great aſcendant over him: And as all thoſe prelates, obnoxious to the commons, were regarded as his chief friends and moſt favourite courtiers, he was reſolved not to diſarm and diſhonour himſelf, by abandoning them to the reſentment of his enemies. Being totally unprovided with military force, and finding a refractory independent ſpirit to prevail among the people; the moſt ſolid baſis of his authority, he thought, conſiſted in the ſupport which he received from the hierarchy.

In the debates of the commons, which are tranſmitted to us, it is eaſy to diſcern ſo early ſome ſparks of that enthuſiaſtic fire, which afterwards ſet the whole nation

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in combuſtion. One Rouſe made uſe of an alluſion, which, though familiar, ſeems to have been borrowed from the writings of lord Bacon[k]. "If a man meet a "dog alone," ſaid he, "the dog is fearful, though ever "ſo fierce by nature: But if the dog have his maſter "with him, he will ſet upon that man from whom he "fled before. This ſhows, that lower natures, being "backed by higher, encreaſe in courage and ſtrength; "and certainly man, being backed with Omnipotency, "is a kind of omnipotent creature. All things are poſ-"ſible to him that believes; and where all things are poſ-"ſible, there is a kind of omnipotency. Wherefore, "let it be the unanimous conſent and reſolution of us "all to make a vow and covenant henceforth to hold "faſt our God and our religion; and then ſhall we "henceforth expect, with certainty, happineſs in this "world[l]."

OLIVER CROMWELL, at that time a young man of no account in the nation, is mentioned in theſe debates, as complaining of one who, he was told, preached flat popery[m]. It is amuſing to obſerve the firſt words of this fanatical hypocrite correſpond ſo exactly to his character.

THE enquiries and debates concerning tonnage and poundage went hand in hand with theſe theological or metaphyſical controverſies. The officers of the cuſtom-houſe were ſummoned before the commons, to give an account by what authority they had ſeized the goods of merchants who had refuſed to pay theſe duties: The barons of the exchequer were queſtioned concerning their decrees on that head[n]. One of the ſheriffs of London was committed to the Tower for his activity in ſupport-

[k] Eſſay of Atheiſm. [l] Ruſhworth, vol. i. p. 646. Parl. Hiſt. vol viii. p. 260. [m] Ruſhworth, vol. i. p. 655. Parl. Hiſt. vol. viii. p. 289. [n] Ruſhworth, vol. i. p. 654. Parl. Hiſt. vol. viii. p. 301.

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ing the officers of the cuſtom-houſe: The goods of Rolles, a merchant, and member of the houſe, being ſeized for his refuſal to pay the duties, complaints were made of this violence, as if it were a breach of privilege[o]: Charles ſupported his officers in all theſe meaſures; and the quarrel grew every day higher between him and the commons[p]. Mention was made in the houſe of impeaching Sir Richard Weſton, the treaſurer[q]; and the king began to entertain thoughts of finiſhing the ſeſſion by a diſſolution. CHAP. LI. 1629.

Sir John Elliot framed a remonſtrance againſt levying tonnage and poundage without conſent of parliament, and offered it to the clerk to read. It was refuſed. He read it himſelf. The queſtion being then called for, the ſpeaker, Sir John Finch, ſaid, *That he had a command from the king to adjourn, and to put no queſtion*[r]. Upon which he roſe and left the chair. The whole houſe was in an uproar. The ſpeaker was puſhed back into the chair, and forcibly held in it by Hollis and Valentine; till a ſhort remonſtrance was framed, and was paſſed by acclamation rather than by vote. Papiſts and Arminians were there declared capital enemies to the commonwealth. Thoſe who levied tonnage and poundage were branded with the ſame epithet. And even the merchants who ſhould voluntarily pay theſe duties, were denominated betrayers of Engliſh liberty, and public enemies. The doors being locked, the gentleman uſher of the houſe of lords, who was ſent by the king, could not get admit-

[o] Ruſhworth, vol. i. p. 653. [p] Ibid. p. 658. [q] Parl. Hiſt. vol. viii. p. 326.

[r] The king's power of adjourning, as well as proroguing the parliament, was and is never queſtioned. In the 19th of the late king, the judges determined that the adjournment by the king kept the parliament *in ſtatu quo* until the next ſitting; but that then no committees were to meet: But if the adjournment be by the houſe, then the committees and other matters do continue. Parl. Hiſt. vol. v. p. 466.

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tance till this remonſtrance was finiſhed. By the king's order, he took the mace from the table, which ended their proceedings[s]. And a few days after the parliament was diſſolved.

1629. Diſſolution of the parliament. March 10.

THE diſcontents of the nation ran high, on account of this violent rupture between the king and parliament. Theſe diſcontents Charles inflamed by his affectation of a ſeverity which he had not power, nor probably inclination, to carry to extremities. Sir Miles Hobart, Sir Peter Heyman, Selden, Coriton, Long, Strode, were committed to priſon, on account of the laſt tumult in the houſe, which was called ſedition[t]. With great difficulty, and after ſeveral delays, they were releaſed; and the law was generally ſuppoſed to be wreſted, in order to prolong their impriſonment. Sir John Elliot, Hollis, and Valentine, were ſummoned to their trial in the king's bench, for ſeditious ſpeeches and behaviour in parliament; but refuſing to anſwer before an inferior court for their conduct, as members of a ſuperior, they were condemned to be impriſoned during the king's pleaſure, to find ſureties for their good behaviour, and to be fined the two former a thouſand pounds a-piece, the latter five hundred[u]. This ſentence, procured by the influence of the crown, ſerved only to ſhow the king's diſregard to the privileges of parliament, and to acquire an immenſe ſtock of popularity to the ſufferers, who had ſo bravely, in oppoſition to arbitrary power, defended the liberties of their native country. The commons of England, though an immenſe body, and poſſeſſed of the greater part of national property, were naturally ſomewhat defenceleſs; becauſe of their perſonal equality, and their want of leaders: But the king's ſeverity, if theſe proſecutions deſerve the name,

[s] Ruſhworth, vol. i. p. 660. Whitlocke, p. 12. [t] Ruſhworth, vol. i. p. 661. 681. Parl. Hiſt. vol. viii. p. 354. May, p. 13. [u] Ruſhworth, vol. i. p. 684. 691.

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here pointed out leaders to them whoſe reſentment was inflamed, and whoſe courage was no-wiſe daunted by the hardſhips which they had undergone in ſo honourable a cauſe. CHAP. LI. 1629.

So much did theſe priſoners glory in their ſufferings, that, though they were promiſed liberty on that condition, they would not condeſcend even to preſent a petition to the king, expreſſing their ſorrow for having offended him[x]. They unanimouſly refuſed to find ſureties for their good behaviour; and diſdained to accept of deliverance on ſuch eaſy terms. Nay, Hollis was ſo induſtrious to continue his meritorious diſtreſs, that, when one offered to bail him, he would not yield to the rule of court, and be himſelf bound with his friend. Even Long, who had actually found ſureties in the chief juſtice's chamber, declared in court, that his ſureties ſhould no longer continue[y]. Yet becauſe Sir John Elliot happened to die while in cuſtody, a great clamour was raiſed againſt the adminiſtration; and he was univerſally regarded as a martyr to the liberties of England[z].

[x] Whitlocke, p. 13. [y] Kennet, vol. iii. p. 49. [z] Ruſhworth, vol. v. p. 445.

CHAP. LII.

Peace with France——Peace with Spain——State of the court and miniſtry——Character of the queen——Strafford——Laud——Innovations in the church——Irregular levies of money——Severities in the ſtar-chamber and high commiſſion——Ship money——Trial of Hambden.

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THERE now opens to us a new ſcene. Charles, naturally diſguſted with parliaments, who, he found, were determined to proceed againſt him with unmitigated rigour, both in invading his prerogative, and refuſing him all ſupply, reſolved not to call any more, till he ſhould ſee greater indications of a compliant diſpoſition in the nation. Having loſt his great favourite, Buckingham, he became his own miniſter; and never afterwards repoſed in any one ſuch unlimited confidence. As he chiefly follows his own genius and diſpoſition, his meaſures are henceforth leſs raſh and haſty; though the general tenor of his adminiſtration ſtill wants ſomewhat of being entirely legal, and perhaps more of being entirely prudent.

WE ſhall endeavour to exhibit a juſt idea of the events which followed for ſome years; ſo far as they regard foreign affairs, the ſtate of the court, and the government of the nation. The incidents are neither numerous nor illuſtrious; but the knowledge of them is neceſſary for underſtanding the ſubſequent tranſactions, which are ſo memorable.

CHARLES, deſtitute of all ſupply, was neceſſarily reduced to embrace a meaſure, which ought to have been the reſult of reaſon and ſound policy: He made peace with the two crowns, againſt which he had hitherto waged a war, entered into without neceſſity, and conduct-

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ed without glory. Notwithſtanding the diſtracted and helpleſs condition of England, no attempt was made either by France or Spain, to invade their enemy; nor did they entertain any farther project, than to defend themſelves againſt the feeble and ill-concerted expeditions of that kingdom. Pleaſed that the jealouſies and quarrels between king and parliament had diſarmed ſo formidable a power, they carefully avoided any enterprize which might rouze either the terror or anger of the Engliſh, and diſpoſe them to domeſtic union and ſubmiſſion. The endeavours to regain the good-will of the nation were carried ſo far by the king of Spain, that he generouſly releaſed and ſent home all the Engliſh priſoners taken in the expedition againſt Cadiz. The example was imitated by France, after the retreat of the Engliſh from the iſle of Rhé. When princes were in ſuch diſpoſitions, and had ſo few pretenſions on each other, it could not be difficult to conclude a peace. The treaty was firſt ſigned with France[c]. The ſituation of the king's affairs did not entitle him to demand any conditions for the Hugonots, and they were abandoned to the will of their ſovereign. Peace was afterwards concluded with Spain; where no conditions were made in favour of the Palatine, except that Spain promiſed in general to uſe their good offices for his reſtoration[d]. The influence of theſe two wars on domeſtic affairs, and on the diſpoſitions of king and people, was of the utmoſt conſequence: But no alteration was made by them on the foreign intereſts of the kingdom.

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Peace with France and Spain.

14th April.

1630. 5th Nov.

NOTHING more happy can be imagined than the ſituation in which England then ſtood with regard to foreign affairs. Europe was divided between the rival families of Bourbon and Auſtria, whoſe oppoſite intereſts, and ſtill more their mutual jealouſies, ſecured the tranquility of

[c] Ruſhworth, vol. i. p. 23, 24. [d] Idem, ibid. p. 75. Whitlocke, p. 14.

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this iſland. Their forces were ſo nearly counterpoiſed, that no apprehenſions were entertained of any event which could ſuddenly diſturb the balance of power between them. The Spaniſh monarch, deemed the moſt powerful, lay at greateſt diſtanee: And the Engliſh, by that means, poſſeſſed the advantage of being engaged by political motives into a more intimate union and confederacy with the neighbouring potentate. The diſperſed ſituation of the Spaniſh dominions rendered the naval power of England formidable to them, and kept that empire in continual dependence. France more vigorous and more compact, was every day riſing in policy and diſcipline; and reached, at laſt, an equality of power with the houſe of Auſtria: But her progreſs, ſlow and gradual, left it ſtill in the power of England, by a timely interpoſition, to check her ſuperiority. And thus Charles, could he have avoided all diſſentions with his own ſubjects, was in a ſituation to make himſelf be courted and reſpected by every power in Europe; and, what has ſcarcely ever ſince been attained by the princes of this iſland, he could either be active with dignity, or neutral with ſecurity.

A NEUTRALITY was embraced by the king; and, during the reſt of his reign, he ſeems to have little regarded foreign affairs, except ſo far as he was engaged by honour, and by friendſhip for his ſiſter and the Palatine, to endeavour the procuring of ſome relief for that unhappy family. He joined his good offices to thoſe of France, and mediated a peace between the kings of Sweden and Poland, in hopes of engaging the former to embrace the protection of the oppreſſed proteſtants in the empire. This was the famed Guſtavus, whoſe heroic genius, ſeconded by the wiſeſt policy, made him in a little time the moſt diſtinguiſhed monarch of the age, and rendered his country, formerly unknown and neglected, of great weight in the balance of Europe. To encou-

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rage and assist him in his projected invasion of Germany, Charles agreed to furnish him with six thousand men; but, that he might preserve the appearance of neutrality, he made use of the marquis of Hamilton's name[e]. That nobleman entered into an engagement with Gustavus; and enlisting these troops in England and Scotland at Charles's expence, he landed them in the Elbe. The decisive battle of Leipsic was fought soon after; where the conduct of Tilly and the valour of the Imperialists were overcome by the superior conduct of Gustavus and the superior valour of the Swedes. What remained of this hero's life was one continued series of victory, for which he was less beholden to fortune, than to those personal endowments, which he derived from nature and from industry. That rapid progress of conquest, which we so much admire in ancient history, was here renewed in modern annals; and without that cause, to which, in former ages, it had ever been owing. Military nations were not now engaged against an undisciplined and unwarlike people; nor heroes set in opposition to cowards. The veteran troops of Ferdinand, conducted by the most celebrated generals of the age, were foiled in every encounter, and all Germany was over-run in an instant by the victorious Swede. But by this extraordinary and unexpected success of his ally, Charles failed of the purpose for which he framed the alliance. Gustavus, elated by prosperity, began to form more extensive plans of ambition; and in freeing Germany from the yoke of Ferdinand, he intended to reduce it to subjection under his own. He refused to restore the Palatine to his princi pality, except on conditions, which would have kept him in total dependence[f]. And thus the negociation was protracted; till the battle of Lutzen, where the Swedish

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[e] Rushworth, vol. i. p. 46. 53. 62. 83.

[f] Franklyn, vol. i. p. 415.

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monarch perished in the midst of a complete victory, which he obtained over his enemies.

1630.

We have carried on these transactions a few years beyond the present period, that we might not be obliged to return to them; nor be henceforth interrupted in our account of Charles's court and kingdoms.

State of the court and ministry.

When we consider Charles as presiding in his court, as associating with his family, it is difficult to imagine a character at once more respectable and more amiable. A kind husband, an indulgent father, a gentle master, a stedfast friend; to all these eulogies, his conduct in private life fully intitled him. As a monarch too, in the exterior qualities, he excelled; in the essential, he was not defective. His address and manner, though perhaps inclining a little towards stateliness and formality, in the main corresponded to his high rank, and gave grace to that reserve and gravity, which were natural to him. The moderation and equity, which shone forth in his temper, *seemed* to secure him against rash and dangerous enterprizes: The good sense, which he displayed in his discourse and conversation, *seemed* to warrant his success in every reasonable undertaking. Other endowments likewise he had attained, which, in a private gentleman, would have been highly ornamental, and which, in a great monarch, might have proved extremely useful to his people. He was possessed of an excellent taste in all the fine arts; and the love of painting was in some degree his favourite passion. Learned beyond what is common in princes, he was a good judge of writing in others, and enjoyed, himself, no mean talent in composition. In any other age or nation, this monarch had been secure of a prosperous and a happy reign. But the high idea of his own authority, which he had imbibed, made him incapable of giving way to the spirit of liberty, which *began* to prevail among his subjects. His politics were not supported

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ſupported by ſuch vigour and foreſight as might enable him to ſubdue their pretenſions, and maintain his prerogative at the high pitch, to which it had been raiſed by his predeceſſors. And above all, the ſpirit of enthuſiaſm, being univerſally diffuſed, diſappointed all the views of human prudence, and diſturbed the operation of every motive, which uſually influences ſociety.

BUT the misfortunes, ariſing from theſe cauſes, were yet remote. Charles now enjoyed himſelf in the full exerciſe of his authority, in a ſocial intercourſe with his friends and courtiers, and in a moderate uſe of thoſe pleaſures, which he moſt affected.

Character of the queen.

AFTER the death of Buckingham, who had ſomewhat alienated Charles from the queen, ſhe is to be conſidered as his chief friend and favourite. That ruſtic contempt of the fair ſex, which James affected, and which, baniſhing them from his court, made it reſemble more a fair or an exchange, than the ſeat of a great prince, was very wide of the diſpoſition of this monarch. But though full of complaiſance to the whole ſex, Charles reſerved all his paſſion for his conſort, to whom he attached himſelf with unſhaken fidelity and confidence. By her ſenſe and ſpirit, as well as by her beauty, ſhe juſtified the fondneſs of her huſband; though it is allowed, that, being ſomewhat of a paſſionate temper, ſhe precipitated him into haſty and imprudent meaſures. Her religion, likewiſe, to which ſhe was much addicted, muſt be regarded as a great misfortune; ſince it augmented the jealouſy which prevailed againſt the court, and engaged her to procure for the catholics ſome indulgences, which were generally diſtaſteful to the nation[g].

IN the former ſituation of the Engliſh government, when the ſovereign was in a great meaſure independent of his ſubject, the king choſe his miniſters, either from

[g] May, p. 21.

perſonal

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perſonal favour, or from an opinion of their abilities, without any regard to their parliamentary intereſt or talents. It has ſince been the maxim of princes, wherever popular leaders encroach too much on royal authority, to conſer offices on them; in expectation that they will afterwards become more careful not to diminiſh that power, which has become their own. Theſe politics were now embraced by Charles; a ſure proof that a ſecret revolution had happened in the conſtitution, and had neceſſitated the prince to adopt new maxims of government [h]. But the views of the king were at this time ſo repugnant to thoſe of the puritans, that the leaders, whom he gained, loſt, from that moment, all intereſt with their party, and were even purſued as traitors, with implacable hatred and reſentment. This was the caſe with Sir Thomas Wentworth, whom the king created, firſt a baron, then a viſcount, and afterwards earl of Strafford; made him preſident of the council of York, and deputy of Ireland; and regarded him as his chief miniſter and counſellor. By his eminent talents and abilities, Strafford merited all the confidence, which his maſter repoſed in him: His character was ſtately and auſtere; more fitted to procure eſteem than love: His fidelity to the king was unſhaken; but as he now employed all his counſels to ſupport the prerogative, which he had formerly bent all his endeavours to diminiſh, his virtue ſeems not to have been entirely pure, but to have been ſuſceptible of ſtrong impreſſions from private intereſt and ambition. Sir Dudley Digges was about the ſame time created maſter of the rolls: Noy, attorney-general: Littleton, ſolicitor-general. All theſe had likewiſe been parliamentary leaders; and were men eminent in their profeſſion [i].

Strafford.

Laud.

In all eccleſiaſtical affairs, and even in many civil, Laud, biſhop of London, had great influence over the

[h] Sir Edw. Walker, p. 328. [i] Whitlocke, p. 13. May, p. 20.

king.

king. This man was virtuous, if ſeverity of manners alone and abſtinence from pleaſure, could deſerve that name. He was learned, if polemical knowledge could intitle him to that praiſe. He was diſintereſted, but with unceaſing induſtry he ſtudied to exalt the prieſtly and prelatical character, which was his own. His zeal was unrelenting in the cauſe of religion; that is, in impoſing, by rigorous meaſures, his own tenets and pious ceremonies on the obſtinate puritans, who had profanely dared to oppoſe him. In proſecution of his holy purpoſes, he overlooked every human conſideration; or, in other words, the heat and indiſcretion of his temper made him neglect the views of prudence and rules of good manners. He was in this reſpect happy, that all his enemies were alſo imagined by him the declared enemies to loyalty and true piety, and that every exerciſe of his anger, by that means, became in his eyes a merit and a virtue. This was the man who acquired ſo great an aſcendant over Charles, and who led him, by the facility of his temper, into a conduct, which proved ſo fatal to himſelf and to his kingdoms.

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THE humour of the nation ran at that time into the extreme oppoſite to ſuperſtition; and it was with difficulty that the ancient ceremonies, to which men had been accuſtomed, and which had been ſanctified by the practice of the firſt reformers, could be retained in divine ſervice: Yet was this the time which Laud choſe for the introduction of new ceremonies and obſervances. Beſides that theſe were ſure to diſpleaſe as innovations, there lay, in the opinion of the public, another very forcible objection againſt them. Laud, and the other prelates who embraced his meaſures, were generally well-inſtructed in ſacred antiquity, and had adopted many of thoſe religious ſentiments, which prevailed during the fourth and fifth centuries; when the Chriſtian church, as is well known,

Innovations in the church.

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known, was already ſunk into thoſe ſuperſtitions, which were afterwards continued and agumented by the policy of Rome. The revival, therefore, of the ideas and practices of that age, could not fail of giving the Engliſh faith and liturgy ſome reſemblance to the catholic ſuperſtition, which the kingdom in general, and the puritans in particular, held in the greateſt horror and deteſtation. Men alſo were apt to think, that, without ſome ſecret purpoſe, ſuch inſignificant obſervances would not be impoſed with ſuch unrelenting zeal on the refractory nation; and that Laud's ſcheme was to lead back the Engliſh, by gradual ſteps, to the religion of their anceſtors. They conſidered not, that the very inſignificancy of theſe ceremonies recommended them to the ſuperſtitious prelate, and made them appear the more peculiarly ſacred and religious, as they could ſerve to no other purpoſe. Nor was the reſemblance to the Romiſh ritual any objection, but rather a merit, with Laud and his brethren; who bore a much greater kindneſs to the mother-church, as they called her, than to the ſectaries and preſbyterians, and frequently recommended her as a true Chriſtian church; an appellation which they refuſed, or at leaſt ſcrupled to give to the others[k]. So openly were theſe tenets eſpouſed, that not only the diſcontented puritans believed the church of England to be relapſing faſt into Romiſh ſuperſtition: The court of Rome itſelf entertained hopes of regaining its authority in this iſland; and, in order to forward Laud's ſuppoſed good intentions, an offer was twice made him, in private, of a cardinal's hat, which he declined excepting[l]. His anſwer was, as he ſays himſelf, *That ſomething dwelt within him, which would not ſuffer his compliance, till Rome were other than it is*[m].

[k] May, p. 25. [l] Ruſhworth, vol. ii. p. 190. Welwood, p. 61.
[m] Ruſhworth, vol. iii. p. 1327. Whitlocke, p. 97.

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A COURT lady, daughter of the earl of Devonſhire, having turned catholic, was aſked by Laud the reaſons of her converſion. *'Tis chiefly*, ſaid ſhe, *becauſe I hate to travel in a crowd.* The meaning of this expreſſion being demanded, ſhe replied, *I perceive your grace and many others are making haſte to Rome; and therefore, in order to prevent my being crowded, I have gone before you.* It muſt be confeſſed, that though Laud deſerved not the appellation of papiſt, the genius of his religion was, though in a leſs degree, the ſame with that of the Romiſh: The ſame profound reſpect was exacted to the ſacerdotal character, the ſame ſubmiſſion required to the creeds and decrees of ſynods and councils, the ſame pomp and ceremony was affected in worſhip, and the ſame ſuperſtitious regard to days, poſtures, meats, and veſtments. No wonder, therefore, that this prelate was, every-where, among the puritans, regarded with horror, as the forerunner of antichriſt.

As a ſpecimen of the new ceremonies, to which Laud ſacrificed his own quiet and that of the nation, it may not to be amiſs to relate thoſe which he was accuſed of employing in the conſecration of St. Catherine's church, and which were the object of ſuch general ſcandal and offence.

ON the biſhop's approach to the weſt door of the church, a loud voice cried, *Open, open, ye everlaſting doors, that the king of glory may enter in!* Immediately the doors of the church flew open, and the biſhop entered. Falling upon his knees, with eyes elevated and arms expanded, he uttered theſe words: *This place is holy; the ground is holy: In the name of the Father, Son, and Holy Ghoſt, I pronounce it holy.*

GOING towards the chancel, he ſeveral times took up from the floor ſome of the duſt, and threw it in the air. When he approached, with his attendants, near to the communion-

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communion-table, he bowed frequently towards it: And on their return, they went round the church, repeating as they marched along, ſome of the pſalms: And then ſaid a form of prayer, which concluded with theſe words: *We conſecrate this church, and ſeparate it unto thee as holy ground, not to be profaned any more to common uſes.*

AFTER this, the biſhop, ſtanding near the communion-table, ſolemnly pronounced many imprecations upon ſuch as ſhould afterwards pollute that holy place by muſters of ſoldiers, or keeping in it profane law-courts, or carrying burthens through it. On the concluſion of every curſe he bowed towards the eaſt, and cried, *Let all the people ſay, Amen.*

THE imprecations being all ſo piouſly finiſhed, there were poured out a number of bleſſings upon ſuch as had any hand in framing and building that ſacred and beautiful edifice, and on ſuch as had given, or ſhould hereafter give to it, any chalices, plate, ornaments, or utenſils. At every benediction, he in like manner bowed towards the eaſt, and cried, *Let all the people ſay, Amen.*

THE ſermon followed; after which, the biſhop conſecrated and adminiſtered the ſacrament in the following manner:

As he approached the communion table, he made many lowly reverences: And coming up to that part of the table where the bread and wine lay, he bowed ſeven times. After the reading of many prayers, he approached the ſacramental elements, and gently lifted up the corner of the napkin, in which the bread was placed. When he beheld the bread, he ſuddenly let fall the napkin, flew back a ſtep or two, bowed three ſeveral times towards the bread; then he drew nigh again, opened the napkin, and bowed as before.

NEXT, he laid his hand on the cup, which had a cover upon it, and was filled with wine. He let go the cup,

cup, fell back, and bowed thrice towards it. He approached again; and lifting up the cover, peeped into the cup. Seeing the wine, he let fall the cover, ſtarted back, and bowed as before. Then he received the ſacrament, and gave it to others. And many prayers being ſaid, the ſolemnity of the conſecration ended. The walls and floor and roof of the fabric were then ſuppoſed to be ſufficiently holy[n].

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ORDERS were given, and rigorouſly inſiſted on, that the communion-table ſhould be removed from the middle of the area, where it hitherto ſtood in all churches, except in cathedrals[o]. It was placed at the eaſt end, railed in, and denominated an ALTAR; as the clergyman, who officiated, received commonly the appellation of PRIEST. It is not eaſy to imagine the diſcontents excited by this innovation, and the ſuſpicions which it gave riſe to.

THE kneeling at the altar, and the uſing of copes, a ſpecies of embroidered veſtment, in adminiſtering the ſacrament, were alſo known to be great objects of ſcandal, as being popiſh practices: But the oppoſition rather encreaſed than abated the zeal of the prelate for the introduction of theſe habits and ceremonies.

ALL kinds of ornament, eſpecially pictures, were neceſſary for ſupporting that mechanical devotion, which was purpoſed to be raiſed in this model of religion: But as theſe had been ſo much employed by the church of Rome, and had given riſe to ſo much ſuperſtition, or what the puritans called idolatry; it was impoſſible to introduce them into Engliſh churches, without exciting general murmurs and complaints. But Laud, poſſeſſed of preſent authority, perſiſted in his purpoſe, and made ſeveral attempts towards acquiring theſe ornaments. Some of the pictures, introduced by him, were

[n] Ruſhworth, vol. ii. p. 76, 77. Welwood, p. 275. Franklyn, p. 386.
[o] Ruſhworth, vol. ii. p. 207. Whitlocke, p. 24.

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alſo found, upon enquiry, to be the very ſame that might be met with in the maſs-book. The crucifix too, that eternal conſolation of all pious catholics, and terror to all ſound proteſtants, was not forgotten on this occaſion [p].

It was much remarked, that Sherfield, the recorder of Saliſbury, was tried in the ſtar-chamber, for having broken, contrary to the biſhop of Saliſbury's expreſs injunctions, a painted window of St. Edmond's church in that city. He boaſted, that he had deſtroyed theſe monuments of idolatry: But for this effort of his zeal, he was fined 500 pounds, removed from his office, condemned to make a public acknowledgment, and be bound to his good behaviour [q].

Not only ſuch of the clergy, as neglected to obſerve every ceremony, were ſuſpended and deprived by the high-commiſſion court: Oaths were, by many of the biſhops, impoſed on the church-wardens; and they were ſworn to inform againſt any one, who acted contrary to the eccleſiaſtical canons [r]. Such a meaſure, though practiſed during the reign of Elizabeth, gave much offence; as reſembling too nearly the practice of the Romiſh inquiſition.

To ſhow the great alienation from the churches reformed after the preſbyterian model, Laud adviſed, that the diſcipline and worſhip of the church ſhould be impoſed on the Engliſh regiments and trading companies abroad [s]. All foreigners of the Dutch and Walloon congregations were commanded to attend the eſtabliſhed church; and indulgence was granted to none after the children of the firſt denizens [t]. Scudamore too, the king's ambaſſador at Paris, had orders to withdraw him-

p Ruſhworth, vol. ii. p. 272, 273. q Ibid. p. 152. State Trials, vol. v. p. 46. Franklyn, p. 410. 411, 412. r Ruſhworth, vol. ii. p. 186. s Ibid. p. 249. Franklyn, p. 451. t Ruſhworth, vol. ii. p. 272.

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ſelf from the communion of the hugonots. Even men of ſenſe were apt to blame this conduct, not only becauſe it gave offence in England, but becauſe, in foreign countries, it loſt the crown the advantage of being conſidered as the head and ſupport of the reformation [u].

On pretence of pacifying diſputes, orders were iſſued from the council, forbidding, on both ſides, all preaching and printing with regard to the controverted points of predeſtination and free-will. But it was complained of, and probably with reaſon, that the impartiality was altogether confined to the orders, and that the execution of them was only meant againſt the calviniſts.

In return for Charles's indulgence towards the church, Laud and his followers took care to magnify, on every occaſion, the regal authority, and to treat, with the utmoſt diſdain or deteſtation, all puritanical pretenſions to a free and independent conſtitution. But while theſe prelates were ſo liberal in raiſing the crown at the expence of public liberty, they made no ſcruple of encroaching, themſelves, on the royal rights the moſt inconteſtible; in order to exalt the hierarchy, and procure to their own order dominion and independence. All the doctrines which the Romiſh church had borrowed from ſome of the fathers, and which freed the ſpiritual from ſubordination to the civil power, were now adopted by the church of England, and interwoven with her political and religious tenets. A divine and apoſtolical charter was inſiſted on, preferably to a legal and parliamentary one [w]. The ſacerdotal character was magnified as ſacred and indefeizable: All right to ſpiritual authority, or even to private judgment in ſpiritual ſubjects, was refuſed to profane laymen: Eccleſiaſtical courts were held by the biſhops in their own name, without any notice taken of

[u] State Papers collected by the earl of Clarendon, p. 338.
[w] Whitlocke, p. 22.

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the king's authority: And Charles, though extremely jealous of every claim in popular aſſemblies, ſeemed rather to encourage than repreſs thoſe encroachments of his clergy. Having felt many ſenſible inconveniences from the independent ſpirit of parliaments, he attached himſelf entirely to thoſe who profeſſed a devoted obedience to his crown and perſon; nor did he foreſee that the eccleſiaſtical power, which he exalted, not admitting of any preciſe boundary, might in time become more dangerous to public peace, and no leſs fatal to royal prerogative than the other.

So early as the coronation, Laud was the perſon, according to general opinion, that introduced a novelty, which, though overlooked by Charles, made a deep impreſſion on many of the byeſtanders. After the uſual ceremonies, theſe words were recited to the king: "Stand "and hold faſt, from henceforth, the place to which "you have been heir by the ſucceſſion of your fore-"fathers, being now delivered to you by the authority of "Almighty God, and by the hands of us and all the "biſhops and ſervants of God. And, as you ſee the "clergy to come nearer the altar than others, ſo remem-"ber, that, in all places convenient, you give them "greater honour; that the Mediator of God and man "may eſtabliſh you on the kingly throne, to be a medi-"ator betwixt the clergy and the laity; and that you "may reign for ever with Jeſus Chriſt, the King of "kings, and Lord of lords[x]."

THE principles, which exalted prerogative, were not entertained by the king merely as ſoft and agreeable to his royal ears: They were alſo put in practice during the time that he ruled without parliaments. Though frugal and regular in his expence, he wanted money for the ſupport of government; and he levied it, either by

[x] Franklyn, p. 114. Ruſhworth, vol. i. p. 201.

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the revival of obſolete laws, or by violations, ſome more open, ſome more diſguiſed, of the privileges of the nation. Though humane and gentle in his temper, he gave way to a few ſeverities in the ſtar-chamber and high-commiſſion, which ſeemed neceſſary, in order to ſupport the preſent mode of adminiſtration, and repreſs the riſing ſpirit of liberty throughout the kingdom. Under theſe two heads may be reduced all the remarkable tranſactions of this reign, during ſome years: For, in peaceable and proſperous times, where a neutrality in foreign affairs is obſerved, ſcarcely any thing is remarkable, but what is, in ſome degree, blamed, or blameable. And, leſt the hope of relief or protection from parliament might encourage oppoſition, Charles iſſued a proclamation, in which he declared, "That whereas, for ſeveral ill ends, the calling again of a parliament is divulged; though his majeſty has ſhown, by frequent meetings with his people, his love to the uſe of parliaments: Yet the late abuſe having, for the preſent, driven him unwillingly out of that courſe; he will account it preſumption for any one to preſcribe to him any time for the calling of that aſſembly [y]." This was generally conſtrued as a declaration, that, during this reign, no more parliaments were intended to be ſummoned [z]. And every meaſure of the king's confirmed a ſuſpicion, ſo diſagreeable to the generality of the people.

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TONNAGE and poundage continued to be levied by the royal authority alone. The former additional impoſitions were ſtill exacted. Even new impoſitions were laid on ſeveral kinds of merchandize [a]. Irregular levies of money.

THE cuſtom-houſe officers received orders from the council to enter into any houſe, warehouſe, or cellar; to ſearch any trunk or cheſt; and to break any bulk whatever; in default of the payment of cuſtoms [b].

[y] Parl. Hiſt. vol. viii. p. 389. Ruſh. vol. ii. p 3. [z] Clarendon, vol. i. p. 4. May, p. 14. [a] Ruſh. vol. ii. p. 8. May, p. 16. [b] Ruſh. vol. ii. p. 9.

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In order to exercise the militia, and to keep them in good order, each county, by an edict of the council, was assessed in a certain sum, for maintaining a muster-master, appointed for that service [c].

Compositions were openly made with recusants, and the popish religion became a regular part of the revenue. This was all the persecution which it underwent during the reign of Charles [d].

A commission was granted for compounding with such as were possessed of crown-lands upon defective titles; and, on this pretence, some money was exacted from the people [e].

There was a law of Edward II. [f], That whoever was possessed of twenty pounds a year in land, should be obliged, when summoned, to appear and to receive the order of knighthood. Twenty pounds, at that time, partly by the change of denomination, partly by that in the value of money, were equivalent to 200 in the seventeenth century; and it seemed just, that the king should not strictly insist on the letter of the law, and oblige people of so small revenue to accept of that expensive honour. Edward VI. [g], and queen Elizabeth [h], who had both of them made use of this expedient for raising money, had summoned only those who were possessed of forty pounds a year and upwards to receive knighthood, or compound for their neglect; and Charles imitated their example, in granting the same indulgence. Commissioners were appointed for fixing the rates of composition; and instructions were given to these commissioners, not to accept of a less sum than would have been due by the party, upon a tax of three subsidies and a half [i]. Nothing proves more plainly, how ill-disposed

[c] Rush. vol. ii. p. 10. [d] Idem, ibid. p. 11, 12, 13. 247.
[e] Idem, ibid. p. 49. [f] *Statutum de militibus.* [g] Rymer, tom. xv. p. 124. [h] Idem, 493. 504. [i] Rush. vol. ii. p. 70, 71, 72. May, p. 16.

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the people were to the meaſures of the crown, than to obſerve, that they loudly complained of an expedient, founded on poſitive ſtatute, and warranted by ſuch recent precedents. The law was pretended to be obſolete; though only one reign had intervened ſince the laſt execution of it. CHAP. LII. 1630.

Severities of the ſtar-chamber and high commiſſion.

BARNARD, lecturer of St. Sepulchre's, London, uſed this expreſſion in his prayer before ſermon; *Lord, open the eyes of the queen's majeſty, that ſhe may ſee Jeſus Chriſt, whom ſhe has pierced with her infidelity, ſuperſtition, and idolatry.* He was queſtioned in the high-commiſſion court for this inſult on the queen; but, upon his ſubmiſſion, diſmiſſed [k]. Leighton, who had written libels againſt the king, the queen, the biſhops, and the whole adminiſtration, was condemned by a very ſevere, if not a cruel, ſentence; but the execution of it was ſuſpended for ſome time, in expectation of his ſubmiſſion [l]. All the ſeverities, indeed, of this reign were exerciſed againſt thoſe who triumphed in their ſufferings, who courted perſecution, and braved authority: And, on that account, their puniſhment may be deemed the more juſt, but the leſs prudent. To have neglected them entirely, had it been conſiſtent with order and public ſafety, had been the wiſeſt meaſure that could have been embraced; as perhaps it had been the moſt ſevere puniſhment that could have been inflicted on theſe zealots.

1631.

IN order to gratify the clergy with a magnificent fabric, ſubſcriptions were ſet on foot, for repairing and rebuilding St. Paul's; and the king, by his countenance and example, encouraged this laudable undertaking [m]. By order of the privy-council, St. Gregory's church was removed, as an impediment to the project of extending and beautifying the cathedral. Some houſes and ſhops

[k] Ruſhworth, vol. ii. p. 32. p. 60. Whitlocke, p. 15.

[l] Kennet's complete Hiſt. vol. iii.

[m] Idem, p. 47.

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likewiſe were pulled down; and compenſation was made to the owners [n]. As there was no immediate proſpect of aſſembling a parliament, ſuch acts of power in the king became neceſſary; and in no former age would the people have entertained any ſcruple with regard to them. It muſt be remarked, that the Puritans were exrremely averſe to the raiſing of this ornament to the capital. It favoured, as they pretended, of popiſh ſuperſtition.

A STAMP duty was impoſed on cards: A new tax, which, of itſelf, was liable to no objection; but appeared of dangerous conſequence, when conſidered as arbitrary and illegal [o].

MONOPOLIES were revived; an oppreſſive method of levying money, being unlimited, as well as deſtructive of induſtry. The laſt parliament of James, which aboliſhed monopolies, had left an equitable exception in favour of new inventions; and on pretence of theſe, and of erecting new companies and corporations, was this grievance now renewed. The manufacture of ſoap was given to a company who paid a ſum for their patent [p]. Leather, ſalt, and many other commodities, even down to linen rags were likewiſe put under reſtrictions.

IT is affirmed by Clarendon, that ſo little benefit was reaped from theſe projects, that of 200,000 pounds thereby levied on the people, ſcarcely 1500 came into the king's coffers. Though we ought not to ſuſpect the noble hiſtorian of exaggerations to the diſadvantage of Charles's meaſures; this fact, it muſt be owned, appears ſomewhat incredible. The ſame author adds, that the king's intention was to teach his ſubjects how unthrifty a thing it was to refuſe reaſonable ſupplies to the crown. An imprudent project! to offend a whole nation, under the view of puniſhment; and to hope, by acts of vio-

[n] Ruſhworth, vol. ii. p. 88, 89, 90. 207. 462. 718. [o] Idem, ibid. p. 103. [p] Ruſhworth, vol. ii. p. 136. 142. 189. 252.

lence,

lence, to break their refractory ſpirits, without being poſſeſſed of any force to prevent reſiſtance. CHAP. LII.

THE council of York had been firſt erected, after a rebellion, by a patent from Henry VIII. without any authority of parliament; and this exerciſe of power, like many others, was indulged to that arbitrary monarch. This council had long acted chiefly as a criminal court; but, beſides ſome innovations, introduced by James, Charles thought proper, ſome time after Wentworth was made preſident, to extend its powers, and to give it a large civil juriſdiction, and that, in ſome reſpects, diſcretionary [q]. It is not improbable, that the king's intention was only to prevent inconveniencies, which aroſe from the bringing of every cauſe, from the moſt diſtant parts of the kingdom, into Weſtminſter-hall: But the conſequence, in the mean time, of this meaſure, was the putting of all the northern counties out of the protection of ordinary law, and ſubjecting them to an authority ſomewhat arbitrary. Some irregular acts of that council were, this year, complained of [r]. 1632.

THE court of ſtar-chamber extended its authority; and it was matter of complaint, that it encroached upon the juriſdiction of the other courts; impoſing heavy fines and inflicting ſevere puniſhment, beyond the uſual courſe of juſtice. Sir David Foulis was fined 5000 pounds, chiefly becauſe he had diſſuaded a friend from compounding with the commiſſioners of knighthood [s]. 1633.

PRYNNE, a barriſter of Lincoln's-Inn, had written an enormous quarto of a thouſand pages, which he called *Hiſtrio-Maſtyx*. Its profeſſed purpoſe was to decry ſtage-plays, comedies, interludes, muſic, dancing; but the author likewiſe took occaſion to declaim againſt hunting,

[q] Ruſhworth, vol. ii. p. 158, 159, &c. Franklyn, p. 412. [r] Ruſhworth, vol. ii. p. 202, 203. [s] Ibid. vol. ii. p. 215, 216, &c.

public

CHAP. LII.

1633.

public feſtivals, Chriſtmas-keeping, bonfires, and May-poles. His zeal againſt all theſe levities, he ſays, was firſt moved by obſerving, that plays ſold better than the choiceſt ſermons, and that they were frequently printed on finer paper than the Bible itſelf. Beſides, that the players were often papiſts, and deſperately wicked; the play-houſes, he affirms, are Satan's chapels, the play-haunters little better than incarnate devils; and ſo many ſteps in a dance, ſo many paces to hell. The chief crime of Nero he repreſents to have been, his frequenting and acting of plays; and thoſe, who nobly conſpired his death, were principally moved to it, as he affirms, by their indignation at that enormity. The reſt of his thouſand pages is of a like ſtrain. He had obtained a licence from archbiſhop Abbot's chaplain; yet was he indicted in the ſtar-chamber as a libeller. It was thought ſomewhat hard, that general invectives againſt plays ſhould be interpreted into ſatires againſt the king and queen, merely becauſe they frequented theſe amuſements, and becauſe the queen ſometimes acted a part in paſtorals and interludes, which were repreſented at court. The author, it muſt be owned, had, in plainer terms, blamed the hierarchy, the ceremonies, the innovations in religious worſhip, and the new ſuperſtitions, introduced by Laud[t]; and this, probably, together with the obſtinacy and petulance of his behaviour before the ſtar-chamber, was the reaſon why his ſentence was ſo ſevere. He was condemned to be put from the bar; to ſtand on the pillory in two places, Weſtminſter and Cheapſide; to loſe

[t] The muſic in the churches, he affirmed not to be the noiſe of men, but a bleating of brute beaſts; choriſters bellow the tenor, as it were oxen; barke a counterpart, as it were a kennel of dogs; roar out a treble, as it were a ſort of bulls; and grunt out a baſe, as it were a number of hogs: Chriſtmas, as it is kept, is the devil's Chriſtmas; and Prynne employed a great number of pages to perſuade men to affect the name of *Puritan*, as if Chriſt had been a Puritan; and ſo he ſaith in his Index. Ruſh. vol. ii. p. 223.

both

both his ears, one in each place; to pay 5000 pounds fine to the king; and to be impriſoned during life[u]. CHAP. LII.

1633.

THIS ſame Prynne was a great hero among the Puritans; and it was chiefly with a view of mortifying that ſect, that, though of an honourable profeſſion, he was condemned by the ſtar-chamber to ſo ignominious a puniſhment. The thorough-paced Puritans were diſtinguiſhable by the ſourneſs and auſterity of their manners, and by their averſion to all pleaſure and ſociety[w]. To inſpire them with better humour, was certainly, both for their own ſake and that of the public, a laudable intention in the court; but whether pillories, fines, and priſons, were proper expedients for that purpoſe, may admit of ſome queſtion.

ANOTHER expedient which the king tried, in order to infuſe cheerfulneſs into the national devotion, was not much more ſucceſsful. He renewed his father's edict for allowing ſports and recreations on Sunday to ſuch as attended public worſhip; and he ordered his proclamation for that purpoſe to be publicly read by the clergy after divine ſervice[x]. Thoſe who were puritanically affected refuſed obedience, and were puniſhed by ſuſpenſion or deprivation. The differences between the ſects were before ſufficiently great; nor was it neceſſary to widen them farther by theſe inventions.

SOME encouragement and protection, which the king and the biſhops gave to wakes, church-ales, bride-ales, and other cheerful feſtivals of the common people, were the objects of like ſcandal to the Puritans[y].

THIS year Charles made a journey to Scotland, at- June 12.
tended by the court, in order to hold a parliament there,

[u] Ruſh. vol. ii. p. 220, 221, &c. [w] Dugdale, p. 2. [x] Ruſh. vol. ii. p. 193. 459. Whitlocke, p. 16, 17. Franklyn, p. 437.
[y] Ruſh. vol. ii. p. 191, 192. May, p. 2.

and

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and to pafs through the ceremony of his coronation. The nobility and gentry of both kingdoms rivaled each other, in expreffing all duty and refpect to the king, and in fhowing mutual friendfhip and regard to each other. No one could have fufpected, from exterior appearances, that fuch dreadful fcenes were approaching.

ONE chief article of bufinefs (for it deferves the name) which the king tranfacted in this parliament, was, befides obtaining fome fupply, to procure authority for ordering the habits of clergymen[z]. The act did not pafs without oppofition and difficulty. The dreadful furplice was before men's eyes; and they apprehended, with fome reafon, that, under fanction of this law, it would foon be introduced among them. Though the king believed that his prerogative intitled him to a power, in general, of directing whatever belonged to the exterior government of the church, this was deemed a matter of too great importance to be ordered without the fanction of a particular ftatute.

IMMEDIATELY after the king's return to England, he heard of archbifhop Abbot's death: And, without delay, he conferred that dignity on his favourite, Laud; who, by this acceffion of authority, was now enabled to maintain eccleſiaſtical diſcipline with greater rigour, and to aggravate the general diſcontent of the nation.

LAUD obtained the bifhopric of London for his friend Juxon; and, about a year after the death of Sir Richard Weſton, created earl of Portland, had intereſt enough to engage the king to make that prelate high treafurer. Juxon was a perſon of great integrity, mildneſs, and humanity, and endued with a good underſtanding[a]. Yet did this laſt promotion give general offence. His birth and character were deemed too obſcure for a man raiſed to one of the higheſt offices of the crown. And the clergy,

[z] Ruſh. ibid. p. 183. [a] Whitlocke, p. 23. Clarendon, vol. i. p. 99.

it

it was thought, were already too much elated by former instances of the king's attachment to them, and needed not this farther encouragement to assume dominion over the laity [b]. The Puritans, likewise, were much dissatisfied with Juxon, notwithstanding his eminent virtues, because he was a lover of profane field-sports, and hunting. CHAP. LII. 1633.

SHIP-MONEY was now introduced. The first writs of this kind had been directed to sea-port towns only: But ship-money was at this time levied on the whole kingdom; and each county was rated at a particular sum, which was afterwards assessed upon individuals [c]. The amount of the whole tax was very moderate, little exceeding 200,000 pounds: It was levied upon the people with equality: The money was entirely expended on the navy, to the great honour and advantage of the kingdom: As England had no military force, while all the other powers of Europe were strongly armed, a fleet seemed absolutely necessary for her security: And it was obvious that a navy must be built and equipped at leisure, during peace; nor could it possibly be fitted out on a sudden emergence, when the danger became urgent: Yet all these considerations could not reconcile the people to the imposition. It was entirely arbitrary: By the same right any other tax might be imposed: And men thought a powerful fleet, though very desirable both for the credit and safety of the kingdom, but an unequal recompence for their liberties, which, they apprehended, were thus sacrificed to the obtaining of it. 1634. Ship-money.

ENGLAND, it must be owned, was, in this respect, unhappy in its present situation, that the king had entertained a very different idea of the constitution, from that which *began*, in general, to prevail among his subjects.

[b] Clarendon, vol. i. p. 97. May, p. 23. [c] Rushworth, vol. ii. p. 257, 258, &c.

He

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He did not regard national privileges as ſo ſacred and inviolable, that nothing but the moſt extreme neceſſity could juſtify an infringement of them. He conſidered himſelf as the ſupreme magiſtrate, to whoſe care heaven, by his birth-right, had committed his people, whoſe duty it was to provide for their ſecurity and happineſs, and who was veſted with ample diſcretionary powers for that ſalutary purpoſe. If the obſervance of ancient laws and cuſtoms was conſiſtent with the preſent convenience of government, he thought himſelf obliged to comply with that rule; as the eaſieſt, the ſafeſt, and what procured the moſt prompt and willing obedience. But when a change of circumſtances, eſpecially if derived from the obſtinacy of the people, required a new plan of adminiſtration, national privileges, he thought, muſt yield to ſupreme power; nor could any order of the ſtate oppoſe any right to the will of the ſovereign, directed to the good of the public [d]. That theſe principles of government were derived from the uniform tenor of the Engliſh laws, it would be raſh to affirm. The fluctuating nature of the conſtitution, the impatient humour of the people, and the variety of events, had, no doubt, in different ages, produced exceptions and contradictions. Theſe obſervations alone may be eſtabliſhed on both ſides, *that* the appearances were ſufficiently ſtrong in favour of the king to apologize for his following ſuch maxims; and *that* public liberty muſt be ſo precarious under this exorbitant prerogative, as to render an oppoſition not only excuſable, but laudable, in the people [e].

Some laws had been enacted, during the reign of Henry VII. againſt depopulation, or the converting of arable lands into paſture. By a decree of the ſtar-cham-

[d] Ruſhworth, vol. iv. p. 535. 542.

[e] See note [Y] at the end of the volume.

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ber, Sir Anthony Roper was fined 4000 pounds for an offence of that nature[f]. This ſevere ſentence was intended to terrify others into compoſition; and above 30,000 pounds were levied by that expedient[g]. Like compoſitions, or, in default of them, heavy fines, were required for encroachments on the king's foreſts; whoſe bounds, by decrees deemed arbitrary, were extended much beyond what was uſual[h]. The bounds of one foreſt, that of Rockingham, were encreaſed from ſix miles to ſixty[i]. The ſame refractory humour which made the people refuſe to the king voluntary ſupplies, diſpoſed them, with better reaſon, to murmur againſt theſe irregular methods of taxation.

MORLEY was fined 10,000 pounds, for reviling, challenging, and ſtriking, in the court of Whitehall, Sir George Theobald, one of the king's ſervants[k]. This fine was thought exorbitant; but whether it was compounded, as was uſual in fines impoſed by the ſtar-chamber, we are not informed.

ALLISON had reported, that the archbiſhop of York had incurred the king's diſpleaſure, by aſking a limited toleration for the catholics, and an allowance to build ſome churches for the exerciſe of their religion. For this ſlander againſt the archbiſhop, he was condemned in the ſtar-chamber to be fined 1000 pounds, to be committed to priſon, to be bound to his good behaviour during life, to be whipped, and to be ſet on the pillory at Weſtminſter, and in three other towns in England. Robins, who had been an accomplice in the guilt, was condemned by a ſentence equally ſevere[l]. Such events are rather to be conſidered as rare and detached incidents, collected by the ſevere ſcrutiny of hiſtorians, than as proofs of the

[f] Ruſhworth, vol. ii. p. 270. Vol iii. App. p. 106. [g] Idem, vol. iii. p. 333. Franklyn, p. 478. [h] May, p. 16. [i] Straffordʼs Letters and Diſpatches, vol. ii. p. 117. [k] Ruſhworth, vol. ii. p. 270. [l] Ibid. p. 269.

prevailing

CHAP. LII. 1634.

prevailing genius of the king's adminiſtration, which ſeems to have been more gentle and equitable than that of moſt of his predeceſſors: There were, on the whole, only five or ſix ſuch inſtances of rigour during the courſe of fifteen years, which elapſed before the meeting of the long parliament. And it is alſo certain, that ſcandal againſt the great, though ſeldom proſecuted at preſent, is, however, in the eye of the law, a great crime, and ſubjects the offender to very heavy penalties.

THERE are other inſtances of the high reſpect paid to the nobility and to the great in that age; when the powers of monarchy, though diſputed, ſtill maintained themſelves in their priſtine vigour. Clarendon[m] tells us a pleaſant incident to this purpoſe: A waterman, belonging to a man of quality, having a ſquabble with a citizen about his fare, ſhowed his badge, the creſt of his maſter, which happened to be a ſwan; and thence inſiſted on better treatment from the citizen. But the other replied careleſsly, that he did not trouble his head about that gooſe. For this offence he was ſummoned before the marſhal's court; was fined, as having opprobriouſly defamed the nobleman's creſt, by calling the ſwan a gooſe; and was in effect reduced to beggary.

SIR Richard Granvile had thought himſelf ill uſed by the earl of Suffolk in a law-ſuit; and he was accuſed before the ſtar-chamber of having ſaid of that nobleman, that he was a baſe lord. The evidence againſt him was ſomewhat lame; yet, for this ſlight offence, inſufficiently proved, he was condemned to pay a fine of 8000 pounds; one half to the earl, the other to the king[n].

SIR George Markham, following a chace where lord Darcy's huntſman was exerciſing his hounds, kept cloſer to the dogs than was thought proper by the huntſman, who, beſides other rudeneſs, gave him foul language,

[m] Life of Clarendon, vol. i. p. 72.

[n] Lord Lanſdown, p. 514.

which

which Sir George returned with a ſtroke of his whip. The fellow threatened to complain to his maſter: The knight replied, If his maſter ſhould juſtify ſuch inſolence, he would ſerve him in the ſame manner, or words to that effect. Sir George was ſummoned before the ſtar-chamber, and fined 10,000 pounds. *So fine a thing was it in thoſe days to be a lord!* ——A natural reflection of lord Lanſdown's, in relating this incident [o]. The people, in vindicating their liberties from the authority of the crown, threw off alſo the yoke of the nobility. It is proper to remark, that this laſt incident happened early in the reign of James. The preſent practice of the ſtar-chamber was far from being an innovation; though the preſent diſpoſitions of the people made them repine more at this ſervitude. CHAP. LII. 1634.

CHARLES had imitated the example of Elizabeth and James, and had iſſued proclamations forbidding the landed gentlemen and the nobility to live idly in London, and ordering them to retire to their country-ſeats [p]. For diſobedience to this edict, many were indicted by the attorney-general, and were fined in the ſtar-chamber [q]. This occaſioned diſcontents; and the ſentences were complained of, as illegal. But if proclamations had authority, of which nobody pretended to doubt, muſt they not be put in execution? In no inſtance, I muſt confeſs, does it more evidently appear, what confuſed and uncertain ideas were, during that age, entertained concerning the Engliſh conſtitution. 1635.

RAY, having exported fullers-earth, contrary to the king's proclamation, was, beſides the pillory, condemned

[o] Lord Lanſdown, p. 515. This ſtory is told differently in Hobart's Reports, p. 120. It there appears, that Markham was fined only 500 pounds, and very deſervedly: For he gave the lie and wrote a challenge to lord Darcy. James was anxious to diſcourage the practice of duelling, which was then very prevalent.

[p] Ruſhworth, vol. ii. p. 144. [q] Idem, ibid. p. 288.

CHAP. LII.

in the ſtar-chamber to a fine of 2000 pounds[r]. Like fines were levied on Terry, Eman, and others, for diſobeying a proclamation which forbad the exportation of gold[s]. In order to account for the ſubſequent convulſions, even theſe incidents are not to be overlooked, as frivolous or contemptible. Such ſeverities were afterwards magnified into the greateſt enormities.

1635.

THERE remains a proclamation of this year, prohibiting hackney-coaches from ſtanding in the ſtreet[t]. We are told, that there were not above twenty coaches of that kind in London. There are, at preſent, near eight hundred.

1636.

THE effects of ſhip-money began now to appear. A formidable fleet of ſixty ſail, the greateſt that England had ever known, was equipped under the earl of Northumberland, who had orders to attack the herring-buſſes of the Dutch, which fiſhed in what were called the Britiſh ſeas. The Dutch were content to pay 30,000 pounds for a licence during this year. They openly denied, however, the claim of dominion in the ſeas, beyond the friths, bays, and ſhores; and it may be queſtioned whether the laws of nations warrant any farther pretenſions.

THIS year the king ſent a ſquadron againſt Sallee; and, with the aſſiſtance of the emperor of Morocco, deſtroyed that receptacle of pirates, by whom the Engliſh commerce and even the Engliſh coaſts had long been infeſted.

1637.

BURTON, a divine, and Baſtwick, a phyſician, were tried in the ſtar-chamber for ſeditious and ſchiſmatical libels, and were condemned to the ſame puniſhment that had been inflicted on Prynne. Prynne himſelf was tried

[r] Ruſhworth, vol. ii. p. 348. [s] Idem, ibid. p. 350. [t] Idem, ibid. p. 316.

for a new offence; and, together with another fine of 5000 pounds, was condemned to loſe what remained of his ears. Beſides, that theſe writers had attacked, with great ſeverity, and even an intemperate zeal, the ceremonies, rites, and government of the church; the very anſwers which they gave in to the court, were ſo full of contumacy and of invectives againſt the prelates, that no lawyer could be prevailed on to ſign them [u]. The rigors, however, which they underwent, being ſo unworthy men of their profeſſion, gave general offence; and the patience, or rather alacrity, with which they ſuffered, encreaſed ſtill farther the indignation of the public [w]. The ſeverity of the ſtar-chamber, which was generally aſcribed to Laud's paſſionate diſpoſition, was, perhaps, in itſelf, ſomewhat blameable; but will naturally, to us, appear enormous, who enjoy, in the utmoſt latitude, that liberty of the preſs, which is eſteemed ſo neceſſary in every monarchy, confined by ſtrict legal limitations. But as theſe limitations were not regularly fixed during the age of Charles, nor at any time before; ſo was this liberty totally unknown, and was generally deemed, as well as religious toleration, incompatible with all good government. No age or nation, among the moderns, had ever ſet an example of ſuch an indulgence: And it ſeems unreaſonable to judge of the meaſures, embraced during one period, by the maxims, which prevail in another.

CHAP. LII. 1637.

BURTON, in his book where he complained of innovations, mentioned among others, that a certain Wedneſday had been appointed for a faſt, and that the faſt was ordered to be celebrated without any ſermons [x]. The intention, as he pretended, of that novelty was, by the example of a faſt without ſermons, to ſuppreſs all the

[u] Ruſhworth, vol. ii. p. 381, 382, &c. State Trials, vol v. p. 66.
[w] State Trials, vol. v. p. 80. [x] Ibid. p. 74. Franklyn, p. 839.

CHAP. LII. 1637.

Wedneſday's lectures in London. It is obſervable, that the church of Rome and that of England, being, both of them, lovers of form and ceremony and order, are more friends to prayer than preaching; while the puritanical ſectaries, who find that the latter method of addreſs, being directed to a numerous audience preſent and viſible, is more inflaming and animating, have always regarded it as the chief part of divine ſervice. Such circumſtances, though minute, it may not be improper to tranſmit to poſterity; that thoſe, who are curious of tracing the hiſtory of the human mind, may remark, how far its ſeveral ſingularities coincide in different ages.

CERTAIN zealots had erected themſelves into a ſociety for buying in of impropriations, and transferring them to the church; and great ſums of money had been bequeathed to the ſociety for theſe purpoſes. But it was ſoon obſerved, that the only uſe which they made of their funds, was, to eſtabliſh lecturers in all the conſiderable churches; men who, without being ſubjected to epiſcopal authority, employed themſelves entirely in preaching and ſpreading the fire of puritaniſm. Laud took care, by a decree, which was paſſed in the court of exchequer, and which was much complained of, to aboliſh this ſociety, and to ſtop their progreſs [y]. It was, however, ſtill obſerved, that, throughout England, the lecturers were all of them puritanically affected; and from them the clergymen, who contented themſelves with reading prayers and homilies to the people, commonly received the reproachful appellation of *dumb dogs*.

THE puritans, reſtrained in England, ſhipped themſelves off for America, and laid there the foundations of a government, which poſſeſſed all the liberty, both civil and religious, of which they found themſelves bereaved

[y] Ruſhworth, vol. ii. p. 150, 151. Whitlocke, p. 15. Hiſtory of the life and ſufferings of Laud, p. 211, 212.

in

in their native country. But their enemies, unwilling that they ſhould any where enjoy eaſe and contentment, and dreading, perhaps, the dangerous conſequences of ſo diſaffected a colony, prevailed on the king to iſſue a proclamation, debarring theſe devotees acceſs even into thoſe inhoſpitable deſerts [x]. Eight ſhips, lying in the Thames, and ready to ſail, were detained by order of council; and in theſe were embarked Sir Arthur Hazelrig, John Hambden, John Pym, and Oliver Cromwell [y], who had reſolved for ever to abandon their native country, and fly to the other extremity of the globe; where they might enjoy lectures and diſcourſes of any length or form which pleaſed them. The king had afterwards full leiſure to repent this exerciſe of his authority. CHAP. LII. 1637.

THE biſhop of Norwich, by rigorouſly inſiſting on uniformity, had baniſhed many induſtrious tradeſmen from that city, and chaced them into Holland [z]. The Dutch began to be more intent on commerce than on orthodoxy; and thought, that the knowledge of uſeful arts and obedience to the laws formed a good citizen; though attended with errors in ſubjects, where it is not allowable for human nature to expect any poſitive truth or certainty.

COMPLAINTS about this time were made, that the petition of right was, in ſome inſtances, violated, and that, upon a commitment by the king and council, bail or releaſement had been refuſed to Jennings, Pargiter, and Danvers [a].

WILLIAMS, biſhop of Lincoln, a man of ſpirit and learning, a popular prelate, and who had been lord

[x] Ruſh. vol. ii. p. 409. 418. [y] Mather's Hiſtory of New England, book i. Dugdale. Bates. Hutchinſon's Hiſt. of Maſſachuſet's Bay, vol. i. p. 42. This laſt quoted author puts the faſt beyond controverſy. And it is a curious fact, as well with regard to the characters of the men, as of the times. Can any one doubt, that the enſuing quarrel was almoſt entirely theological; not political? What might be expected of the populace, when ſuch was the character of the moſt enlightened leaders?

[z] May, p. 82. [a] Ruſh. vol. ii. p. 414.

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keeper, was fined 10,000 pounds by the ſtar-chamber committed to the Tower during the king's pleaſure, and ſuſpended from his office. This ſevere ſentence was founded on frivolous pretences, and was more aſcribed to Laud's vengeance, than to any guilt of the biſhop [b]. Laud, however, had owed his firſt promotion to the good offices of that prelate with king James. But ſo implacable was the haughty primate, that he raiſed up a new proſecution againſt Williams, on the ſtrangeſt pretence imaginable. In order to levy the fine above mentioned, ſome officers had been ſent to ſeize all the furniture and books of his epiſcopal palace of Lincoln; and in rummaging the houſe, they found in a corner ſome neglected letters, which had been thrown bye as uſeleſs. Theſe letters were written by one Oſbaldiſtone, a ſchoolmaſter, and were directed to Williams. Mention was there made of *a little great man*; and in another paſſage, the ſame perſon was denominated *a little urchin*. By inferences and conſtructions, theſe epithets were applied to Laud; and on no better foundation was Williams tried anew, as having received ſcandalous letters, and not diſcovering that private correſpondence. For this offence, another fine of 8000 pounds was levied on him: Oſbaldiſtone was likewiſe brought to trial, and condemned to pay a fine of 5000 pounds, and to have his ears nailed to the pillory before his own ſchool. He ſaved himſelf by flight; and left a note in his ſtudy, wherein he ſaid, "That he was gone beyond Canterbury [c]."

THESE proſecutions of Williams ſeems to have been the moſt iniquitous meaſure, purſued by the court during the time that the uſe of parliaments was ſuſpended. Williams had been indebted for all his fortune to the favour of James; but having quarrelled, firſt with Buckingham, then with Laud, he threw himſelf into the

[b] Ruſhworth, vol. ii. p. 416, &c. [c] Ib'd. p. 503, &c. Whitlocke, p. 25.

country

country party; and with great firmneſs and vigour oppoſed all the meaſures of the king. A creature of the court to become its obſtinate enemy, a biſhop to countenance puritans; theſe circumſtances excited indignation, and engaged the miniſters in thoſe ſevere meaſures. Not to mention, what ſome writers relate, that, before the ſentence was pronounced againſt him, Williams was offered a pardon upon his ſubmiſſion, which he refuſed to make. The court was apt to think, that ſo refractory a ſpirit muſt by any expedient be broken and ſubdued. CHAP. LII. 1637.

In a former trial, which Williams underwent [d] (for theſe were not the firſt) there was mentioned, in court, a ſtory, which, as it diſcovers the genius of parties, may be worth relating. Sir John Lambe urging him to proſecute the puritans, the prelate aſked, what ſort of people theſe ſame puritans were? Sir John replied, "That to "the world they ſeemed to be ſuch as would not ſwear, "whore, or be drunk; but they would lie, cozen, and "deceive: That they would frequently hear two ſermons "a-day, and repeat them too, and that ſometimes they "would faſt all day long." This character muſt be conceived to be ſatirical; yet, it may be allowed, that that ſect was more averſe to ſuch irregularities as proceed from the exceſs of gaiety and pleaſure, than to thoſe enormities, which are the moſt deſtructive of ſociety. The former were oppoſite to the very genius and ſpirit of their religion; the latter were only a tranſgreſſion of its precepts: And it was not difficult for a gloomy enthuſiaſt to convince himſelf, that a ſtrict obſervance of the one would atone for any violation of the other.

In 1632, the treaſurer, Portland, had inſiſted with the vintners, that they ſhould ſubmit to a tax of a penny a quart, upon all the wine which they retailed. But they rejected the demand. In order to puniſh them, a

[d] Ruſhworth, vol. ii. p. 416.

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decree, ſuddenly, without much enquiry or examination, paſſed in the ſtar-chamber, prohibiting them to ſell or dreſs victuals in their houſes [e]. Two years after, they were queſtioned for the breach of this decree; and in order to avoid puniſhment, they agreed to lend the king ſix thouſand pounds. Being threatened, during the ſubſequent years, with fines and proſecutions, they at laſt compounded the matter, and ſubmitted to pay half of that duty which was at firſt demanded of them [f]. It required little foreſight to perceive, that the king's right of iſſuing proclamations muſt, if proſecuted, draw on a power of taxation.

LILBURNE was accuſed before the ſtar-chamber, of publiſhing and diſperſing ſeditious pamphlets. He was ordered to be examined; but refuſed to take the oath, uſual in that court, that he would anſwer interrogatories, even though they might lead him to accuſe himſelf. For this contempt, as it was interpreted, he was condemned to be whipped, pilloried, and impriſoned. While he was whipped at the cart, and ſtood on the pillory, he harangued the populace, and declaimed violently againſt the tyranny of biſhops. From his pockets alſo he ſcattered pamphlets, ſaid to be ſeditious; becauſe they attacked the hierarchy. The ſtar-chamber, which was ſitting at that very time, ordered him immediately to be gagged. He ceaſed not, however, though both gagged and pilloried, to ſtamp with his foot and geſticulate, in order to ſhow the people, that, if he had it in his power, he would ſtill harangue them. This behaviour gave freſh provocation to the ſtar-chamber; and they condemned him to be impriſoned in a dungeon, and to be loaded with irons [g]. It was found difficult to break the ſpirits of men who placed both their honour and their conſcience in ſuffering.

[e] Ruſh. vol. ii. p. 197. [f] Idem, ibid. p. 451. [g] Ibid. p. 465, 466, 467.

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THE jealouſy of the church appeared in another inſtance leſs tragical. Archy, the king's fool, who, by his office, had the privilege of jeſting on his maſter, and the whole court, happened unluckily to try his wit upon Laud, who was too ſacred a perſon to be played with. News having arrived from Scotland of the firſt commotions excited by the liturgy, Archy ſeeing the primate paſs by, called to him, *Who's fool, now, my lord?* For this offence, Archy was ordered, by ſentence of the council, to have his coat pulled over his head, and to be diſmiſſed the king's ſervice [h].

HERE is another inſtance of that rigorous ſubjection in which all men were held by Laud. Some young gentlemen of Lincoln's-inn, heated by their cups, having drunk confuſion to the archbiſhop, were at his inſtigation cited before the ſtar-chamber. They applied to the earl of Dorſet for protection. *Who bears witneſs againſt you?* ſaid Dorſet. *One of the drawers*, they ſaid. *Where did he ſtand, when you were ſuppoſed to drink this health?* ſubjoined the earl. *He was at the door*, they replied, *going out of the room. Tuſh!* cried he, *the drawer was miſtaken: You drank confuſion to the archbiſhop of Canterbury's enemies; and the fellow was gone before you pronounced the laſt word.* This hint ſupplied the young gentlemen with a new method of defence: And being adviſed by Dorſet to behave with great humility and great ſubmiſſion to the primate; the modeſty of their carriage, the ingenuity of their apology, with the patronage of that noble lord, ſaved them from any ſeverer puniſhment than a reproof and admonition, with which they were diſmiſſed [i].

Trial of Hambden.

THIS year, John Hambden acquired, by his ſpirit and courage, univerſal popularity throughout the nation, and has merited great renown with poſterity, for the bold ſtand which he made, in defence of the laws and liberties

[h] Ruſh. vol. ii. p. 470. Welwood, p. 278. [i] Ruſh. vol. iii. p. 180.

of

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1637. of his country. After the impoſing of ſhip-money, Charles, in order to diſcourage all oppoſition, had propoſed this queſtion to the judges; "Whether, in a caſe "of neceſſity, for the defence of the kingdom, he might "not impoſe this taxation; and whether he were not ſole "judge of the neceſſity?" Theſe guardians of law and liberty replied, with great complaiſance, "That in a "caſe of neceſſity he might impoſe that taxation, and "that he was ſole judge of the neceſſity [k]. Hambden had been rated at twenty ſhillings for an eſtate, which he poſſeſſed in the county of Buckingham: Yet notwithſtanding this declared opinion of the judges, notwithſtanding the great power, and ſometimes rigorous maxims of the crown, notwithſtanding the ſmall proſpect of relief from parliament; he reſolved, rather than tamely ſubmit to ſo illegal an impoſition, to ſtand a legal proſecution, and expoſe himſelf to all the indignation of the court. The caſe was argued during twelve days, in the exchequer-chamber, before all the judges of England; and the nation regarded, with the utmoſt anxiety, every circumſtance of this celebrated trial. The event was eaſily foreſeen: But the principles, and reaſonings, and behaviour of the parties, engaged in the trial, were much canvaſſed and enquired into; and nothing could equal the favour paid to the one ſide, except the hatred which attended the other.

It was urged by Hambden's council, and by his partizans in the nation, that the plea of neceſſity was in vain introduced into a trial of law; ſince it was the nature of neceſſity to aboliſh all law, and, by irreſiſtible violence, to diſſolve all the weaker and more artificial ties of human ſociety. Not only the prince, in caſes of extreme diſtreſs, is exempted from the ordinary rules of adminiſtration: All orders of men are then levelled; and

[k] Ruſh. vol. ii. p. 355. Whitlocke, p. 24.

any

any individual may conſult the public ſafety by any expedient which his ſituation enables him to employ. But to produce ſo violent an effect, and ſo hazardous to every community, an ordinary danger or difficulty is not ſufficient; much leſs, a neceſſity, which is merely fictitious and pretended. Where the peril is urgent and extreme, it will be palpable to every member of the ſociety; and though all ancient rules of government are in that caſe abrogated, men will readily, of themſelves, ſubmit to that irregular authority, which is exerted for their preſervation. But what is there in common between ſuch ſuppoſitions, and the preſent condition of the nation? England enjoys a profound peace with all her neighbours: And what is more, all her neighbours are engaged in furious and bloody wars among themſelves, and by their mutual enmities farther enſure her tranquility. The very writs themſelves, which are iſſued for the levying of ſhip-money, contradict the ſuppoſition of neceſſity, and pretend only that the ſeas are infeſted with pirates; a ſlight and temporary inconvenience, which may well await a legal ſupply from parliament. The writs likewiſe allow ſeveral months for equipping the ſhips; which proves a very calm and deliberate ſpecies of neceſſity, and one that admits of delay much beyond the forty days requiſite for ſummoning that aſſembly. It is ſtrange too, that an extreme neceſſity which is always apparent, and uſually comes to a ſudden criſis, ſhould now have continued, without interruption, for near four years, and ſhould have remained, during ſo long a time, inviſible to the whole kingdom. And as to the pretenſion, that the king is ſole judge of the neceſſity; what is this but to ſubject all the privileges of the nation to his arbitrary will and pleaſure? To expect that the public will be convinced by ſuch reaſoning, muſt aggravate the general indignation; by adding, to violence againſt men's perſons and their property, ſo cruel a mockery of their underſtanding.

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In vain are precedents of ancient writs produced: Theſe writs, when examined, are only found to require the ſea-ports, ſometimes at their own charge, ſometimes at the charge of the counties, to ſend their ſhips for the defence of the nation. Even the prerogative, which empowered the crown to iſſue ſuch writs, is aboliſhed, and its exerciſe almoſt entirely diſcontinued, from the time of Edward III.[1]; and all the authority, which remained, or was afterwards exerciſed, was to preſs ſhips into the public ſervice, to be paid for by the public. How wide are theſe precedents from a power of obliging the people, at their own charge, to build new ſhips, to victual and pay them, for the public; nay, to furniſh money to the crown for that purpoſe? What ſecurity either againſt the farther extenſion of this claim, or againſt diverting to other purpoſes the public money, ſo levied? The plea of neceſſity would warrant any other taxation as well as that of ſhip-money: Wherever any difficulty ſhall occur, the adminiſtration, inſtead of endeavouring to elude or overcome it, by gentle and prudent meaſures, will inſtantly repreſent it as a reaſon for infringing all ancient laws and inſtitutions: And if ſuch maxims and ſuch practices prevail, what has become of national liberty? What authority is left to the great charter, to the ſtatutes, and to that very petition of right, which, in the preſent reign, had been ſo ſolemnly enacted by the concurrence of the whole legiſlature?

The defenceleſs condition of the kingdom while unprovided with a navy; the inability of the king, from his eſtabliſhed revenues, with the utmoſt care and frugality, to equip and maintain one; the impoſſibility of obtaining, on reaſonable terms, any voluntary ſupply from parliament: All theſe are reaſons of ſtate, not topics of law. If theſe reaſons appear to the king ſo urgent as to diſpenſe with the legal rules of government; let him

[1] State Trials, vol. v. p. 245. 255.

enforce

enforce his edicts, by his court of ſtar-chamber, the proper inſtrument of irregular and abſolute power; not proſtitute the character of his judges by a decree, which is not, and cannot poſſibly be legal. By this means the boundaries, at leaſt, will be kept more diſtinct between ordinary law and extraordinary exertions of prerogative; and men will know, that the national conſtitution is only ſuſpended during a preſent and difficult emergence, but has not undergone a total and fundamental alteration. CHAP. LII. 1637.

NOTWITHSTANDING theſe reaſons, the prejudiced judges, four [m] excepted, gave ſentence in favour of the crown. Hambden, however, obtained by the trial the end for which he had ſo generouſly ſacrificed his ſafety and his quiet: The people were rouzed from their lethargy, and became ſenſible of the danger to which their liberties were expoſed. Theſe national queſtions were canvaſſed in every company; and the more they were examined, the more evidently did it appear to many, that liberty was totally ſubverted, and an unuſual and arbitrary authority exerciſed over the kingdom. Slaviſh principles, they ſaid, concur with illegal practices; eccleſiaſtical tyranny gives aid to civil uſurpation; iniquitous taxes are ſupported by arbitrary puniſhments; and all the privileges of the nation, tranſmitted through ſo many ages, ſecured by ſo many laws, and purchaſed by the blood of ſo many heroes and patriots, now lie proſtrate at the feet of the monarch. What though public peace and national induſtry encreaſed the commerce and opulence of the kingdom? This advantage was temporary, and due alone, not to any encouragement given by the crown, but to the ſpirit of the Engliſh, the remains of their ancient freedom. What though the perſonal character of the king, amidſt all his miſguided counſels, might merit indulgence, or even praiſe? He was but one

[m] See State Trials: Article Ship-money, which contains the ſpeeches of four judges in favour of Hambden.

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man; and the privileges of the people, the inheritance of millions, were too valuable to be ſacrificed to his prejudices and miſtakes. Such, or more ſevere, were the ſentiments promoted by a great party in the nation: No excuſe on the king's part, or alleviation, how reaſonable ſoever, could be hearkened to or admitted: And to redreſs theſe grievances, a parliament was impatiently longed for; or any other incident, however calamitous, that might ſecure the people againſt thoſe oppreſſions, which they felt, or the greater ills, which they apprehended, from the combined encroachments of church and ſtate.

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Diſcontents in Scotland — Introduction of the canons and liturgy — A tumult at Edinburgh — The covenant — A general aſſembly — Epiſcopacy aboliſhed — War — A pacification — Renewal of the war — Fourth Engliſh parliament — Diſſolution — Diſcontents in England — Rout at Newburn — Treaty at Rippon — Great council of the peers.

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THE grievances under which the Engliſh laboured, when conſidered in themſelves, without regard to the conſtitution, ſcarcely deſerve the name; nor were they either burthenſome on the people's properties, or anywiſe ſhocking to the natural humanity of mankind. Even the impoſition of ſhip-money, independent of the conſequences, was a great and evident advantage to the public, by the judicious uſe which the king made of the money levied by that expedient. And though it was juſtly apprehended, that ſuch precedents, if patiently ſubmitted to, would end in a total diſuſe of parliaments, and in the eſtabliſhment of arbitrary authority; Charles dreaded no oppoſition from the people, who are not commonly much affected with conſequences, and require ſome ſtriking motive, to engage them in a reſiſtance of eſtabliſhed government. All eccleſiaſtical affairs were ſettled by law and uninterrupted precedent; and the church was become a conſiderable barrier to the power, both legal and illegal, of the crown. Peace too, induſtry, commerce, opulence; nay, even juſtice and lenity of adminiſtration, notwithſtanding ſome very few exceptions: All theſe were enjoyed by the people; and every other bleſſing of government, except liberty, or rather the preſent exerciſe of

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of liberty, and its proper ſecurity *. It ſeemed probable, therefore, that affairs might long have continued on the ſame footing in England, had it not been for the neighbourhood of Scotland; a country more turbulent, and leſs diſpoſed to ſubmiſſion and obedience. It was thence the commotions firſt aroſe; and it is therefore time for us to return thither, and to give an account of the ſtate of affairs in that kingdom.

Diſcontents in Scotland.

THOUGH the pacific, and not unſkilful government of James, and the great authority which he had acquired, had much allayed the feuds among the great families, and had eſtabliſhed law and order throughout the kingdom; the Scotiſh nobility were ſtill poſſeſſed of the chief power and influence over the people. Their property was extenſive; their hereditary juriſdictions and the feudal tenures encreaſed their authority; and the attachment of the gentry to the heads of families eſtabliſhed a kind of voluntary ſervitude under the chieftains. Beſides that long abſence had much looſened the king's connections with the nobility, who reſided chiefly at their country-ſeats; they were, in general, at this time, though from ſlight cauſes, much diſguſted with the court. Charles, from the natural piety or ſuperſtition of his temper, was extremely attached to the eccleſiaſtics: And as it is natural for men to perſuade themſelves, that their intereſt coincides with their inclination; he had eſtabliſhed it as a fixed maxim of policy, to encreaſe the power and authority of that order. The prelates, he thought, eſtabliſhed regularity and diſcipline among the clergy; the clergy inculcated obedience and loyalty among the people: And as that rank of men had no ſeparate authority, and no dependence but on the crown; the royal power, it would ſeem, might, with the greater ſafety, be entruſted in their hands. Many of the prelates, therefore,

* Clarendon, p. 74, 75. May, p. 18. Warwick, p. 62.

were

were raiſed to the chief dignities of the ſtate[p]: Spotſwood, archbiſhop of St. Andrews, was created chancellor: Nine of the biſhops were privy counſellors: The biſhop of Roſs aſpired to the office of treaſurer: Some of the prelates poſſeſſed places in the exchequer: And it was even endeavoured to revive the firſt inſtitution of the college of juſtice, and to ſhare equally between the clergy and laity the whole judicial authority[q]. Theſe advantages, poſſeſſed by the church, and which the biſhops did not always enjoy with ſuitable modeſty, diſguſted the haughty nobility, who, deeming themſelves much ſuperior in rank and quality to this new order of men, were diſpleaſed to find themſelves inferior in power and influence. Intereſt joined itſelf to ambition, and begat a jealouſy, leſt the epiſcopal ſees, which, at the reformation, had been pillaged by the nobles, ſhould again be enriched at the expence of that order. By a moſt uſeful and beneficial law, the impropriations had already been raviſhed from the great men: Competent ſalaries had been aſſigned to the impoveriſhed clergy from the tythes of each pariſh: And what remained, the proprietor of the land was impowered to purchaſe at a low valuation[r]. The king likewiſe, warranted by ancient law and practice, had declared for a general reſumption of all crown-lands, alienated by his predeceſſors; and though he took no ſtep towards the execution of this project, the very pretenſion to ſuch power had excited jealouſy and diſcontent[s].

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NOTWITHSTANDING the tender regard which Charles bore to the whole church, he had been able, in Scotland, to acquire only the affection of the ſuperior rank among the clergy. The miniſters in general equalled, if not

[p] Ruſhworth, vol. ii. p. 386. May, p. 29. [q] Guthry's Memoirs, p. 14. Burnet's Mem. p. 29, 30. [r] King's declaration, p. 7. Franklyn, p. 611. [s] King's declaration, p. 6.

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exceeded the nobility, in their prejudices againſt the court, againſt the prelates, and againſt epiſcopal authority [t]. Though the eſtabliſhment of the hierarchy might ſeem advantageous to the inferior clergy, both as it erected dignities, to which all of them might aſpire, and as it beſtowed a luſtre on the whole body, and allured men of family into it; theſe views had no influence on the Scottiſh eccleſiaſtics. In the preſent diſpoſition of men's minds, there was another circumſtance, which drew conſideration, and counterbalanced power and riches, the uſual foundations of diſtinction among men; and that was, the fervour of piety, and the rhetoric, however barbarous, of religious lectures and diſcourſes. Checked by the prelates in the licence of preaching, the clergy regarded epiſcopal juriſdiction both as a tyranny and an uſurpation, and maintained a parity among eccleſiaſtics to be a divine privilege, which no human law could alter or infringe. While ſuch ideas prevailed, the moſt moderate exerciſe of authority would have given diſguſt; much more, that extenſive power, which the king's indulgence encouraged the prelates to aſſume. The juriſdiction of preſbyteries, ſynods, and other democratical courts, was, in a manner, aboliſhed by the biſhops; and the general aſſembly itſelf had not been ſummoned for ſeveral years [u]. A new oath was arbitrarily impoſed on intrants, by which they ſwore to obſerve the articles of Perth, and ſubmit to the liturgy and canons. And in a word, the whole ſyſtem of church government, during a courſe of thirty years, had been changed by means of the innovations, introduced by James and Charles.

The people, under the influence of the nobility and clergy, could not fail to partake of the diſcontents, which prevailed among theſe two orders; and where real grounds of complaint were wanting, they greedily laid hold of

[t] Burnet, Mem. p. 29, 30. [u] May, p. 29.

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imaginary ones. The ſame horror againſt popery, with which the Engliſh puritans were poſſeſſed, was obſervable among the populace in Scotland; and among theſe, as being more uncultivated and unciviliſed, ſeemed rather to be inflamed into a higher degree of ferocity. The genius of religion, which prevailed in the court and among the prelates, was of an oppoſite nature; and having ſome affinity to the Romiſh worſhip, led them to mollify, as much as poſſible, the ſevere prejudices, and to ſpeak of the catholics in more charitable language, and with more reconciling expreſſions. From this foundation, a panic fear of popery was eaſily raiſed; and every new ceremony or ornament, introduced into divine ſervice, was part of that great myſtery of iniquity, which, from the encouragement of the king and the biſhops, was to overſpread the nation [w]. The few innovations, which James had made, were conſidered as preparatives to this grand deſign; and the farther alterations attempted by Charles were repreſented as a plain declaration of his intentions. Through the whole courſe of this reign, nothing had more fatal influence, in both kingdoms, than this groundleſs apprehenſion, which, with ſo much induſtry was propagated, and with ſo much credulity was embraced, by all ranks of men.

AMIDST theſe dangerous complaints and terrors of religious innovation, the civil and eccleſiaſtical liberties of the nation were imagined, and with ſome reaſon, not to be altogether free from invaſion.

THE eſtabliſhment of the high-commiſſion by James, without any authority of law, ſeemed a conſiderable encroachment of the crown; and erected the moſt dangerous and arbitrary of all courts, by a method equally dangerous and arbitrary. All the ſteps towards the ſettlement of epiſcopacy had indeed been taken with conſent

[w] Burnet's Mem. p. 29, 30, 31.

CHAP. LIII.

1637.

of parliament: The articles of Perth were confirmed in 1621: In 1633, the king had obtained a general ratification of every eccleſiaſtical eſtabliſhment: But theſe laws had leſs authority with the nation, as they were known to have paſſed contrary to the ſentiments even of thoſe who voted for them, and were in reality extorted by the authority and importunity of the ſovereign. The means, however, which both James and Charles had employed, in order to influence the parliament, were entirely regular; and no reaſonable pretence had been afforded for repreſenting theſe laws as null or invalid.

But there prevailed among the greater part of the nation another principle, of the moſt important and moſt dangerous nature, and which, if admitted, deſtroyed entirely the validity of all ſuch ſtatutes. The eccleſiaſtical authority was ſuppoſed totally independent of the civil; and no act of parliament, nothing but the conſent of the church itſelf, was repreſented as ſufficient ground for the introduction of any change in religious worſhip or diſcipline. And though James had obtained the vote of aſſemblies for receiving epiſcopacy and his new rites; it muſt be confeſſed, that ſuch irregularities had prevailed in conſtituting theſe eccleſiaſtical courts, and ſuch violence in conducting them, that there were ſome grounds for denying the authority of all their acts. Charles, ſenſible that an extorted conſent, attended with ſuch invidious circumſtances, would rather be prejudicial to his meaſures, had wholly laid aſide the uſe of aſſemblies, and was reſolved, in conjunction with the biſhops, to govern the church by an authority, to which he thought himſelf fully intitled, and which he believed inherent in the crown.

The king's great aim was to complete the work ſo happily begun by his father; to eſtabliſh diſcipline upon a regular ſyſtem of canons, to introduce a liturgy into public

public worſhip, and to render the eccleſiaſtical government of all his kingdoms regular and uniform. Some views of policy might move him to this undertaking: But his chief motives were derived from principles of zeal and conſcience. CHAP. LIII. 1637.

Introduction of the canons and liturgy.

THE canons for eſtabliſhing eccleſiaſtical juriſdiction were promulgated in 1635; and were received by the nation, though without much appearing oppoſition, yet with great inward apprehenſion and diſcontent. Men felt diſpleaſure, at ſeeing the royal authority highly exalted by them, and repreſented as abſolute and uncontroulable. They ſaw theſe ſpeculative principles reduced to practice, and a whole body of eccleſiaſtical laws eſtabliſhed without any previous conſent either of church or ſtate [x]. They dreaded leſt, by a parity of reaſon, like arbitrary authority, from like pretences and principles, would be aſſumed in civil matters: They remarked, that the delicate boundaries, which ſeparate church and ſtate, were already paſſed, and many civil ordinances eſtabliſhed by the canons, under colour of eccleſiaſtical inſtitutions: And they were apt to deride the negligence, with which theſe important edicts had been compiled; when they found, that the new liturgy or ſervice-book was every where, under ſevere penalties, enjoined by them, though it had not yet been compoſed or publiſhed [y]. It was, however, ſoon expected; and in the reception of it, as the people are always moſt affected by what is external and expoſed to the ſenſes, it was apprehended, that the chief difficulty would conſiſt.

THE liturgy, which the king, from his own authority, impoſed on Scotland, was copied from that of England: But leſt a ſervile imitation might ſhock the pride of his ancient kingdom, a few alterations, in order to ſave appearances, were made in it; and in that ſhape it

x Clarendon, vol. i. p. 106. y Idem, ibid. p. 105.

CHAP. LIII. 1637.

was tranſmitted to the biſhops at Edinburgh [z]. But the Scots had univerſally entertained a notion, that, though riches and worldly glory had been ſhared out to them with a ſparing hand, they could boaſt of ſpiritual treaſures more abundant and more genuine, than were enjoyed by any nation under heaven. Even their ſouthern neighbours, they thought, though ſeparated from Rome, ſtill retained a great tincture of the primitive pollution; and their liturgy was repreſented as a ſpecies of maſs, though with ſome leſs ſhow and embroidery [a]. Great prejudices, therefore, were entertained againſt it, even conſidered in itſelf; much more when regarded as a preparative, which was ſoon to introduce into Scotland all the abominations of popery. And as the very few alterations, which diſtinguiſhed the new liturgy from the Engliſh, ſeemed to approach nearer to the doctrine of the real preſence; this circumſtance was deemed an undoubted confirmation of every ſuſpicion, with which the people were poſſeſſed [b].

EASTER-DAY was, by proclamation, appointed for the firſt reading of the ſervice in Edinburgh: But in order to judge more ſurely of men's diſpoſitions, the council delayed the matter till the 23d of July; and they even gave notice, the Sunday before, of their intention to commence the uſe of the new liturgy. As no conſiderable ſymptoms of diſcontent appeared, they thought that they might ſafely proceed in their purpoſe [c]; and accordingly, in the cathedral church of St. Giles, the dean of Edinburgh, arrayed in his ſurplice, began the ſervice; the biſhop himſelf and many of the privy-council being preſent. But no ſooner had the dean opened the book, than a multitude of the meaneſt ſort, moſt of them women,

[z] King's Decl. p. 18. May, p. 32. [a] King's Decl. p. 20.
[b] Burnet's Mem. p. 31. Ruſhworth, vol. ii. p. 396. May, p. 31.
[c] King's Dec. p. 22. Clarendon, vol. i. p. 108. Ruſhworth, vol. ii. p. 387.

clapping

CHAP. LIII.

1637. Tumult at Edinburgh.

clapping their hands, curſing, and crying out, *A pope! a pope! antichriſt! ſtone him!* raiſed ſuch a tumult, that it was impoſſible to proceed with the ſervice. The biſhop, mounting the pulpit, in order to appeaſe the populace, had a ſtool thrown at him: The council was inſulted: And it was with difficulty that the magiſtrates were able, partly by authority, partly by force, to expel the rabble, and to ſhut the doors againſt them. The tumult, however, ſtill continued without: Stones were thrown at the doors and windows: And when the ſervice was ended, the biſhop, going home, was attacked, and narrowly eſcaped from the hands of the enraged multitude. In the afternoon, the privy-ſeal, becauſe he carried the biſhop in his coach, was ſo pelted with ſtones, and hooted at with execrations, and preſſed upon by the eager populace, that, if his ſervants, with drawn ſwords, had not kept them off, the biſhop's life had been expoſed to the utmoſt danger [d].

THOUGH it was violently ſuſpected, that the low populace, who alone appeared, had been inſtigated by ſome of higher condition, yet no proof of it could be produced; and every one ſpake with diſapprobation of the licentiouſneſs of the giddy multitude [e]. It was not thought ſafe, however, to hazard a new inſult by any new attempt to read the liturgy; and the people ſeemed, for the time, to be appeaſed and ſatisfied. But it being known, that the king ſtill perſevered in his intentions of impoſing that mode of worſhip, men fortified themſelves ſtill farther in their prejudices againſt it; and great multitudes reſorted to Edinburgh, in order to oppoſe the introduction of ſo hated a novelty [f]. It was not long before they broke out in the moſt violent diſorder. The biſhop of Gallo-

[d] King's Decl. p. 23. 24, 25. Ruſhworth, vol. ii. p. 388. [e] King's Decl. p. 26. 30. Clarendon, vol. i. p. 109. [f] King's Decl. p. 32. Ruſhworth, vol. ii. p. 409.

CHAP. LIII. 1637. 28th Oct.

way was attacked in the ſtreets, and chaſed into the chamber where the privy-council was ſitting. The council itſelf was beſieged and violently attacked: The town-council met with the ſame fate: And nothing could have ſaved the lives of all of them, but their application to ſome popular lords, who protected them, and diſperſed the multitude. In this ſedition, the actors were of ſome better condition than in the former; though nobody of rank ſeemed, as yet, to countenance them [g].

ALL men, however, began to unite and to encourage each other, in oppoſition to the religious innovations introduced into the kingdom. Petitions to the council were ſigned and preſented by perſons of the higheſt quality: The women took part, and, as was uſual, with violence: The clergy, every-where, loudly declaimed againſt popery and the liturgy, which they repreſented as the ſame: The pulpits reſounded with vehement invectives againſt antichriſt: And the populace, who firſt oppoſed the ſervice, was often compared to Balaam's aſs, an animal, in itſelf, ſtupid and ſenſeleſs, but whoſe mouth had been opened by the Lord, to the admiration of the whole world [h]. In ſhort, fanaticiſm mingling with faction, private intereſt with the ſpirit of liberty, ſymptoms appeared, on all hands, of the moſt dangerous inſurrection and diſorder.

THE primate, a man of wiſdom and prudence, who was all along averſe to the introduction of the liturgy, repreſented to the king the ſtate of the nation: The earl of Traquaire, the treaſurer, ſet out for London, in order to lay the matter more fully before him: Every circumſtance, whether the condition of England or of Scotland were conſidered, ſhould have engaged him to deſiſt from ſo hazardous an attempt: Yet was Charles

[g] King's Decl. p. 35, 36, &c. Ruſhworth, vol. ii. p. 404. [h] King's Decl. p. 31.

inflexible.

inflexible. In his whole conduct of this affair, there appear no marks of the good ſenſe with which he was endowed: A lively inſtance of that ſpecies of character, ſo frequently to be met with; where there are found parts and judgment in every diſcourſe and opinion; in many actions, indiſcretion and imprudence. Men's views of things are the reſult of their underſtanding alone: Their conduct is regulated by their underſtanding, their temper, and their paſſions. CHAP. LIII. 1637.

To ſo violent a combination of a whole kingdom, Charles had nothing to oppoſe but a proclamation; in which he pardoned all paſt offences, and exhorted the people to be more obedient for the future, and to ſubmit peaceably to the uſe of the liturgy. This proclamation was inſtantly encountered with a public proteſtation, preſented by the earl of Hume and lord Lindeſey: And this was the firſt time that men of quality had appeared in any violent act of oppoſition[1]. But this proved a criſis. The inſurrection, which had been advancing by a gradual and ſlow progreſs, now blazed up at once. No diſorder, however, attended it. On the contrary, a new order immediately took place. Four *tables*, as they were called, were formed in Edinburgh. One conſiſted of nobility, another of gentry, a third of miniſters, a fourth of burgeſſes. The table of gentry was divided into many ſubordinate tables, according to their different counties. In the hands of the four tables, the whole authority of the kingdom was placed. Orders were iſſued by them, and every-where obeyed, with the utmoſt regularity[k]. And among the firſt acts of their government was the production of the COVENANT. 1638. 19th Feb.

[1] King's Decl. p. 47, 48, &c. Guthry, p. 28. May, p. 37.
[k] Clarendon, vol. i. p. 111. Ruſhworth, vol. ii. p. 734.

THIS

CHAP. LIII.

1638. The covenant.

THIS famous covenant conſiſted firſt of a renunciation of popery, formerly ſigned by James in his youth, and compoſed of many invectives, fitted to inflame the minds of men againſt their fellow-creatures, whom heaven has enjoined them to cheriſh and to love. There followed a bond of union, by which the ſubſcribers obliged themſelves to reſiſt religious innovations, and to defend each other againſt all oppoſition whatſoever: And all this, for the greater glory of God, and the greater honour and advantage of their king and country [l]. The people, without diſtinction of rank or condition, of age or ſex, flocked to the ſubſcription of this covenant: Few, in their judgment, diſapproved of it; and ſtill fewer durſt openly condemn it. The king's miniſters and counſellors themſelves were, moſt of them, ſeized by the general contagion. And none but rebels to God, and traitors to their country, it was thought, would withdraw themſelves from ſo ſalutary and ſo pious a combination.

THE treacherous, the cruel, the unrelenting Philip, accompanied with all the terrors of a Spaniſh inquiſition, was ſcarcely, during the preceding century, oppoſed in the Low Countries with more determined fury, than was now, by the Scots, the mild, the humane Charles, attended with his inoffenſive liturgy.

June.

THE king began to apprehend the conſequences. He ſent the marquis of Hamilton, as commiſſioner, with authority to treat with the covenanters. He required the covenant to be renounced and recalled; And he thought, that on his part he had made very ſatisfactory conceſſions, when he offered to ſuſpend the canons and the liturgy, till, in a fair and legal way, they could be received; and ſo to model the high commiſſion, that it ſhould no longer give offence to his ſubjects [m]. Such general

[l] King's Decl. p. 57, 58. Ruſhworth, vol. ii. p. 734. May, p. 38.
[m] Ruſhworth, vol. ii. p. 754, &c.

declarations

declarations could not well give content to any, much leſs to thoſe who carried ſo much higher their pretenſions. The covenanters found themſelves ſeconded by the zeal of the whole nation. Above ſixty thouſand people were aſſembled in a tumultuous manner in Edinburgh and the neighbourhood. Charles poſſeſſed no regular forces in either of his kingdoms. And the diſcontents in England, though ſecret, were believed ſo violent, that the king, it was thought, would find it very difficult to employ in ſuch a cauſe the power of that kingdom. The more, therefore, the popular leaders in Scotland conſidered their ſituation, the leſs apprehenſion did they entertain of royal power, and the more rigorouſly did they inſiſt on entire ſatisfaction. In anſwer to Hamilton's demand of renouncing the covenant, they plainly told him, that they would ſooner renounce their baptiſm [n]. And the clergy invited the commiſſioner himſelf to ſubſcribe it, by informing him, "With what peace and comfort it had filled the hearts "of all God's people; what reſolutions and beginnings "of reformation of manners were ſenſibly perceived in "all parts of the nation, above any meaſure they had "ever before found or could have expected; how great "glory the Lord had received thereby; and what confi-"dence they had, that God would make Scotland a "bleſſed kingdom [o]."

CHAP. LIII. 1638.

HAMILTON returned to London: Made another fruitleſs journey, with new conceſſions, to Edinburgh: Returned again to London; and was immediately ſent back with ſtill more ſatisfactory conceſſions. The king was now willing entirely to aboliſh the canons, the liturgy, and the high commiſſion court. He was even reſolved to limit extremely the power of the biſhops, and was content if, on any terms, he could retain that order in the church of Scotland [p]. And to enſure all theſe gracious 17th Sept.

[n] King's Decl. p. 87. [o] Ibid. p. 88. Ruſhworth, vol. ii. p. 751.
[p] King's Decl. p. 137. Ruſhworth, vol. ii. p. 762.

offers,

CHAP. LIII. 1638.

offers, he gave Hamilton authority to ſummon firſt an aſſembly, then a parliament, where every national grievance might be redreſſed and remedied. Theſe ſucceſſive conceſſions of the king, which yet came ſtill ſhort of the riſing demands of the malcontents, diſcovered his own weakneſs, encouraged their inſolence, and gave no ſatisfaction. The offer, however, of an aſſembly and a parliament, in which they expected to be entirely maſters, was willingly embraced by the covenanters.

CHARLES, perceiving what advantage his enemies had reaped from their covenant, reſolved to have a covenant on his ſide; and he ordered one to be drawn up for that purpoſe. It conſiſted of the ſame violent renunciation of popery above mentioned; which, though the king did not approve of it, he thought it ſafeſt to adopt, in order to remove all the ſuſpicions entertained againſt him. As the covenanters, in their bond of mutual defence againſt all oppoſition, had been careful not to except the king; Charles had formed a bond, which was annexed to this renunciation, and which expreſſed the duty and loyalty of the ſubſcribers to his majeſty[q]. But the covenanters, perceiving that this new covenant was only meant to weaken and divide them, received it with the utmoſt ſcorn and deteſtation. And without delay they proceeded to model the future aſſembly, from which ſuch great atchievements were expected[r].

A general aſſembly.

THE genius of that religion which prevailed in Scotland, and which, every day, was ſecretly gaining ground in England, was far from inculcating deference and ſubmiſſion to the eccleſiaſtics, merely as ſuch: Or rather, by nouriſhing in every individual, the higheſt raptures and ecſtaſies of devotion, it conſecrated, in a manner, every individual, and in his own eyes, beſtowed a character on him, much ſuperior to what forms and ceremo-

[q] King's Decl. p. 740, &c. [r] Ruſhworth, vol. ii. p. 772.

nious

nious inſtitutions could alone confer. The clergy of Scotland, though ſuch tumult was excited about religious worſhip and diſcipline, were both poor, and in ſmall numbers; nor are they, in general, to be conſidered, at leaſt in the beginning, as the ringleaders of the ſedition, which was raiſed on their account. On the contrary, the laity, apprehending, from ſeveral inſtances, which occurred, a ſpirit of moderation in that order, reſolved to domineer entirely in the aſſembly, which was ſummoned, and to hurry on the eccleſiaſtics by the ſame furious zeal with which they were themſelves tranſported [s]. 1638.

It had been uſual, before the eſtabliſhment of prelacy, for each preſbytery to ſend to the aſſembly, beſides two or three miniſters, one lay-commiſſioner [t]; and, as all the boroughs and univerſities ſent likewiſe commiſſioners, the lay-members, in that eccleſiaſtical court, nearly equalled the eccleſiaſtics. Not only this inſtitution, which James, apprehenſive of zeal in the laity, had aboliſhed, was now revived by the covenanters: They alſo introduced an innovation, which ſerved ſtill farther to reduce the clergy to ſubjection. By an edict of the tables, whoſe authority was ſupreme, an elder from each pariſh was ordered to attend the preſbytery, and to give his vote in the choice both of the commiſſioners and miniſters who ſhould be deputed to the aſſembly. As it is not uſual for the miniſters who are put in the liſt of candidates, to claim a vote, all the elections, by that means, fell into the hands of the laity: The moſt furious of all ranks were choſen: And the more to overawe the clergy, a new device was fallen upon, of chuſing, to every com-

[s] King's Decl. p. 188, 189. Ruſhworth, vol. ii. p. 761.

[t] A preſbytery in Scotland is an inferior eccleſiaſtical court, the ſame that was afterwards called a Claſſis in England, and is compoſed of the clergy of the neighbouring pariſhes to the number commonly of between twelve and twenty.

miſſioner,

CHAP. LIII. 1638.

miſſioner, four or five lay-aſſeſſors, who, though they could have no vote, might yet interpoſe with their advice and authority in the aſſembly[u].

THE aſſembly met at Glaſgow: And, beſides a great concourſe of the people, all the nobility and gentry of any family or intereſt were preſent, either as members, aſſeſſors, or ſpectators; and it was apparent, that the reſolutions, taken by the covenanters, could here meet with no manner of oppoſition. A firm determination had been entered into, of utterly aboliſhing epiſcopacy; and as a preparative to it, there was laid before the preſbytery of Edinburgh, and ſolemnly read in all the churches of the kingdom, an accuſation againſt the biſhops, as guilty, all of them, of hereſy, ſimony, bribery, perjury, cheating, inceſt, adultery, fornication, common ſwearing, drunkenneſs, gaming, breach of the ſabbath, and every other crime that had occurred to the accuſers[w]. The biſhops ſent a proteſt, declining the authority of the aſſembly; the commiſſioner too proteſted againſt that court, as illegally conſtituted and elected; and, in his majeſty's name, diſſolved it. This meaſure was foreſeen, and little regarded. The court ſtill continued to ſit, and to finiſh their buſineſs[x]. All the acts of aſſembly, ſince the acceſſion of James to the crown of England, were, upon pretty reaſonable grounds, declared null and invalid. The acts of parliament, which affected eccleſiaſtical affairs, were ſuppoſed, on that very account, to have no manner of authority. And thus epiſcopacy, the high commiſſion, the articles of Perth, the canons, and the liturgy, were aboliſhed and declared unlawful: And the whole fabric, which James and Charles, in a long courſe of years, had been rearing with ſo much care and policy, fell at once to the ground.

Epiſcopacy aboliſhed.

[u] King's Decl. p. 190, 191. 290. Guthry, p. 39, &c. [w] King's Decl. p. 218. Ruſhworth, vol. ii. p. 787. [x] May, p. 44.

The

The covenant likewiſe was ordered to be ſigned by every one, under pain of excommunication[y]. CHAP. LIII.

THE independency of the eccleſiaſtical upon the civil power was the old preſbyterian principle, which had been zealouſly adopted at the reformation, and which, though James and Charles had obliged the church publicly to diſclaim it, had ſecretly been adhered to by all ranks of people. It was commonly aſked, whether Chriſt or the king were ſuperior? And as the anſwer ſeemed obvious, it was inferred, that the aſſembly, being Chriſt's council, was ſuperior, in all ſpiritual matters, to the parliament, which was only the king's. But as the covenanters were ſenſible, that this conſequence, though it ſeemed to them irrefragable, would not be aſſented to by the king; it became neceſſary to maintain their religious tenets by military force, and not to truſt entirely to ſupernatural aſſiſtance, of which, however, they held themſelves well aſſured. They caſt their eyes on all ſides, abroad and at home, whence ever they could expect any aid or ſupport. 1639.

AFTER France and Holland had entered into a league againſt Spain, and framed a treaty of partition, by which they were to conquer and to divide between them the Low Country provinces, England was invited to preſerve a neutrality between the contending parties, while the French and Dutch ſhould attack the maritime towns of Flanders. But the king replied to d'Eſtrades, the French ambaſſador, who opened the propoſal, that he had a ſquadron ready, and would croſs the ſeas, if neceſſary, with an army of 15,000 men, in order to prevent theſe projected conqueſts[z]. This anſwer, which proves that Charles, though he expreſſed his mind with an imprudent candour, had, at laſt, acquired a juſt idea of national intereſt,

y King's Decl. p. 317. z Mem. d'Eſtrades, vol. i.

irritated

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1639. irritated cardinal Richlieu; and in revenge, that politic and enterprizing miniſter carefully fomented the firſt commotions in Scotland, and ſecretly ſupplied the covenanters with money and arms, in order to encourage them in their oppoſition againſt their ſovereign.

But the chief reſource of the Scottiſh malcontents, was in themſelves, and in their own vigour and abilities. No regular eſtabliſhed commonwealth could take juſter meaſures, or execute them with greater promptitude, than did this tumultuous combination, inflamed with bigotry for religious trifles, and faction without a reaſonable object. The whole kingdom was, in a manner, engaged; and the men of greateſt abilities ſoon acquired the aſcendant, which their family intereſt enabled them to maintain. The earl of Argyle, though he long ſeemed to temporize, had, at laſt, embraced the covenant; and he became the chief leader of that party: A man equally ſupple and inflexible, cautious and determined, and entirely qualified to make a figure during a factious and turbulent period. The earls of Rothes, Caſſils, Montroſe, Lothian, the lords Lindeſey, Loudon, Yeſter, Balmerino, diſtinguiſhed themſelves in that party. Many Scotch officers had acquired reputation in the German wars, particularly under Guſtavus; and theſe were invited over to aſſiſt their country in her preſent neceſſity. The command was entruſted to Leſley, a ſoldier of experience and abilities. Forces were regularly inliſted and diſciplined. Arms were commiſſioned and imported from foreign countries. A few caſtles, which belonged to the king, being unprovided with victuals, ammunition, and garriſons, were ſoon ſeized. And the whole country, except a ſmall part, where the marquis of Huntley ſtill adhered to the king, being in the hands of the covenanters, was, in a very little time, put in a tolerable poſture of defence[a].

War.

[a] May, p. 49.

The

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THE fortifications of Leith were begun and carried on with great rapidity. Beſides the inferior ſort, and thoſe who laboured for pay, incredible numbers of volunteers, even noblemen and gentlemen, put their hand to the work, and deemed the moſt abject employment to be dignified by the ſanctity of the cauſe. Women too, of rank and condition, forgetting the delicacy of their ſex, and the decorum of their character, were intermingled with the loweſt rabble; and carried on their ſhoulders the rubbiſh requiſite for completing the fortifications [c].

WE muſt not omit another auxiliary of the covenanters, and no inconſiderable one; a propheteſs, who was much followed and admired by all ranks of people. Her name was Michelſon, a woman full of whimſies, partly hyſterical, partly religious; and inflamed with a zealous concern for the eccleſiaſtical diſcipline of the preſbyterians. She ſpoke at certain times only, and had often interruptions of days and weeks: But when ſhe began to renew her ecſtaſies, warning of the happy event was conveyed over the whole country, thouſands crowded about her houſe, and every word which ſhe uttered was received with veneration, as the moſt ſacred oracles. The covenant was her perpetual theme. The true, genuine covenant, ſhe ſaid, was ratified in heaven: The king's covenant was an invention of Satan: When ſhe ſpoke of Chriſt, ſhe uſually gave him the name of the covenanting Jeſus. Rollo, a popular preacher, and zealous covenanter, was her great favourite; and paid her, on his part, no leſs veneration. Being deſired by the ſpectators to pray with her, and ſpeak to her, he anſwered, "That he durſt not, and that it would be ill manners "in him to ſpeak, while his maſter, Chriſt, was ſpeaking in her [d]."

[c] Guthry's Memoirs, p. 46.

[d] King's Declaration at large, p. 227. Burnet's Memoirs of Hamilton.

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CHARLES had agreed to reduce epiſcopal authority ſo much, that it would no longer have been of any ſervice to ſupport the crown; and this ſacrifice of his own intereſts he was willing to make, in order to attain public peace and tranquillity. But he could not conſent entirely to aboliſh an order, which he thought as eſſential to the being of a Chriſtian church, as his Scottiſh ſubjects deemed it incompatible with that ſacred inſtitution. This narrowneſs of mind, if we would be impartial, we muſt either blame or excuſe equally on both ſides; and thereby anticipate, by a little reflection, that judgment which time, by introducing new ſubjects of controverſy, will undoubtedly render quite familiar to poſterity.

So great was Charles's averſion to violent and ſanguinary meaſures, and ſo ſtrong his affection to his native kingdom, that, it is probable, the conteſt in his breaſt would be nearly equal between theſe laudable paſſions, and his attachment to the hierarchy. The latter affection, however, prevailed for the time, and made him haſten thoſe military preparations which he had projected for ſubduing the refractory ſpirit of the Scottiſh nation. By regular œconomy, he had not only paid all the debts contracted during the Spaniſh and French wars, but had amaſſed a ſum of two hundred thouſand pounds, which he reſerved for any ſudden exigency. The queen had great intereſt with the catholics, both from the ſympathy of religion, and from the favours and indulgences which ſhe had been able to procure to them. She now employed her credit, and perſuaded them, that it was reaſonable to give large contributions, as a mark of their duty to the king, during this urgent neceſſity[e]. A conſiderable ſupply was obtained by this means; to the great ſcandal of the puritans, who were offended at ſeeing the king on ſuch good terms with the papiſts, and

[e] Ruſh. vol. iii. p. 1329. Franklyn, p. 767.

repined,

repined, that others ſhould give what they themſelves were diſpoſed to refuſe him. CHAP. LIII.

CHARLES's fleet was formidable and well ſupplied. Having put 5000 land-forces on board, he entruſted it to the marquis of Hamilton, who had orders to ſail to the frith of Forth, and to cauſe a diverſion in the forces of the malcontents. An army was levied of near 20,000 foot, and above 3000 horſe, and was put under the command of the earl of Arundel, a nobleman of great family, but celebrated neither for military nor political abilities. The earl of Eſſex, a man of ſtrict honour, and extremely popular, eſpecially among the ſoldiery, was appointed lieutenant-general: The earl of Holland was general of the horſe. The king himſelf joined the army, and he ſummoned all the peers of England to attend him. The whole had the appearance of a ſplendid court, rather than of a military armament; and in this ſituation, carrying more ſhow than real force with it, the camp arrived at Berwic[f]. 1639. 29th May.

THE Scottiſh army was as numerous as that of the king, but inferior in cavalry. The officers had more reputation and experience; and the ſoldiers, though undiſciplined and ill-armed, were animated as well by the national averſion to England, and the dread of becoming a province to their old enemy, as by an unſurmountable fervour of religion. The pulpits had extremely aſſiſted the officers in levying recruits, and had thundered out anathemas againſt all thoſe *who went not out to aſſiſt the Lord againſt the mighty*[g]. Yet ſo prudent were the leaders of the malcontents, that they immediately ſent ſubmiſſive meſſages to the king, and craved to be admitted to a treaty.

[f] Clarendon, vol. i. p. 115, 116, 117.

[g] Burnet's Memoirs of Hamilton.

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CHARLES knew that the force of the covenanters was conſiderable, their ſpirits high, their zeal furious; and that, as they were not yet daunted by any ill ſucceſs, no reaſonable terms could be expected from them. With regard therefore to a treaty, great difficulties occurred on both ſides. Should he ſubmit to the pretenſions of the malcontents, beſides that the prelacy muſt be ſacrificed to their religious prejudices, ſuch a check would be given to royal authority, which had, very lately, and with much difficulty, been thoroughly eſtabliſhed in Scotland, that he muſt expect, ever after, to retain, in that kingdom, no more than the appearance of majeſty. The great men, having proved, by ſo ſenſible a trial, the impotence of law and prerogative, would return to their former licentiouſneſs: The preachers would retain their innate arrogance: And the people, unprotected by juſtice, would recognize no other authority than that which they found to domineer over them. England alſo, it was much to be feared, would imitate ſo bad an example; and having already a ſtrong propenſity towards republican and puritanical factions, would expect, by the ſame ſeditious practices, to attain the ſame indulgence. To advance ſo far, without bringing the rebels to a total ſubmiſſion, at leaſt to reaſonable conceſſions, was to promiſe them, in all future time, an impunity for rebellion.

ON the other hand, Charles conſidered that Scotland was never before, under any of his anceſtors, ſo united, and ſo animated in its own defence; yet had often been able to foil or elude the force of England, combined heartily in one cauſe, and enured by long practice to the uſe of arms. How much greater difficulty ſhould he find, at preſent, to ſubdue, by violence, a people inflamed with religious prejudices; while he could only oppoſe to them a nation enervated by long peace, and

6 lukewarm

lukewarm in his ſervice; or, what was more to be dreaded, many of them engaged in the ſame party with the rebels[h]. Should the war be only protracted beyond a campaign, (and who could expect to finiſh it in that period?) his treaſures would fail him; and, for ſupply, he muſt have recourſe to an Engliſh parliament, which, by fatal experience, he had ever found more ready to encroach on the prerogatives, than to ſupply the neceſſities, of the crown. And what if he receive a defeat from the rebel army? This misfortune was far from being impoſſible. They were engaged in a national cauſe, and ſtrongly actuated by miſtaken principles. His army was retained entirely by pay, and looked on the quarrel with the ſame indifference which naturally belongs to mercenary troops, without poſſeſſing the diſcipline by which ſuch troops are commonly diſtinguiſhed. And the conſequences of a defeat, while Scotland was enraged and England diſcontented, were ſo dreadful, that no motive ſhould perſuade him to hazard it.

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It is evident that Charles had fallen into ſuch a ſituation, that, whichever ſide he embraced, his errors muſt be dangerous: No wonder, therefore, he was in great perplexity. But he did worſe than embrace the worſt ſide: For, properly ſpeaking, he embraced no ſide at all. He concluded a ſudden pacification, in which it was ſtipulated, that he ſhould withdraw his fleet and army; that, within eight and forty hours, the Scots ſhould diſmiſs their forces; that the king's forts ſhould be reſtored to him; his authority be acknowledged; and a general aſſembly and a parliament be immediately ſummoned, in order to compoſe all differences[i]. What were the *reaſons* which engaged the king to admit ſuch ſtrange articles of peace, it is in vain to enquire: For

[h] Ruſh. vol. iii. p. 936.

[i] Ibid. p. 945.

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there ſcarcely could be any. The *cauſes* of that event may admit of a more eaſy explication.

1639. THE malcontents had been very induſtrious in repreſenting to the Engliſh the grievances under which Scotland laboured, and the ill counſels which had been ſuggeſted to their ſovereign. Their liberties, they ſaid, were invaded: The prerogatives of the crown extended beyond all former precedent: Illegal courts erected: The hierarchy exalted at the expence of national privileges: And ſo many new ſuperſtitions introduced by the haughty tyrannical prelates, as begat a juſt ſuſpicion that a project was ſeriouſly formed for the reſtoration of popery. The king's conduct, ſurely, in Scotland, had been, in every thing, except in eſtabliſhing the eccleſiaſtical canons, more legal than in England; yet was there ſuch a general reſemblance in the complaints of both kingdoms, that the Engliſh readily aſſented to all the repreſentations of the Scottiſh malcontents, and believed that nation to have been driven, by oppreſſion, into the violent counſels which they had embraced. So far, therefore, from being willing to ſecond the king in ſubduing the free ſpirits of the Scots; they rather pitied that unhappy people, who had been puſhed to thoſe extremities: And they thought that the example of ſuch neighbours, as well as their aſſiſtance, might, ſome time, be advantageous to England, and encourage her to recover, by a vigorous effort, her violated laws and liberties. The gentry and nobility, who, without attachment to the court, without command in the army, attended in great numbers the Engliſh camp, greedily ſeized, and propagated, and gave authority to theſe ſentiments: A retreat, very little honourable, which the earl of Holland, with a conſiderable detachment of the Engliſh forces, had made before a detachment of the Scottiſh, cauſed all theſe humours to blaze up at once: And the king,

king, whoſe character was not ſufficiently vigorous or deciſive, and who was apt, from facility, to embrace haſty counſels, ſuddenly aſſented to a meaſure which was recommended by all about him, and which favoured his natural propenſion towards the miſguided ſubjects of his native kingdom[k]. CHAP. LIII. 1639.

CHARLES, having ſo far advanced in pacific meaſures, ought, with a ſteady reſolution, to have proſecuted them, and have ſubmitted to every tolerable condition demanded by the aſſembly and parliament; nor ſhould he have recommenced hoſtilities, but on account of ſuch enormous and unexpected pretenſions, as would have juſtified his cauſe, if poſſible, to the whole Engliſh nation. So far, indeed, he adopted this plan, that he agreed, not only to confirm his former conceſſions, of abrogating the canons, the liturgy, the high commiſſion, and the articles of Perth; but alſo to aboliſh the order itſelf of biſhops, for which he had ſo zealouſly contended[l]. But this conceſſion was gained by the utmoſt violence which he could impoſe on his diſpoſition and prejudices: He even ſecretly retained an intention of ſeizing favourable opportunities, in order to recover the ground which he had loſt[m]. And one ſtep farther he could not prevail with himſelf to advance. The aſſembly, when it met, paid no deference to the king's prepoſſeſſions, but gave full indulgence to their own. They voted epiſcopacy to be unlawful in the church of Scotland: He was willing to allow it contrary to the conſtitutions of that church. They ſtigmatiſed the liturgy and canons as popiſh: He agreed ſimply to aboliſh them. They denominated the high commiſſion, tyranny: He was content to ſet it aſide[n]. The parliament, which ſat after the aſſembly, advanced pretenſions, which tended to diminiſh the civil Aug 17th.

k Clarendon, vol. i. p. 122, 123. May, p. 46. l Ruſh. vol. iii. p. 946. m Burnet's Memoirs, p. 154. Ruſh. vol. iii. p. 951.
n Idem, ibid. p. 958, &c.

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1639. War renewed.

power of the monarch; and, what probably affected Charles ſtill more, they were proceeding to ratify the acts of aſſembly, when, by the king's inſtructions [o], Traquaire, the commiſſioner, prorogued them. And on account of theſe claims, which might have been foreſeen, was the war renewed; with great advantages on the ſide of the covenanters, and diſadvantages on that of the king.

No ſooner had Charles concluded the pacification without conditions, than the neceſſity of his affairs, and his want of money, obliged him to diſband his army; and as the ſoldiers had been held together ſolely by mercenary views, it was not poſſible, without great trouble, and expence, and loſs of time, again to aſſemble them. The more prudent covenanters had concluded, that their pretenſions being ſo contrary to the intereſts, and ſtill more to the inclinations of the king, it was likely that they ſhould again be obliged to ſupport their cauſe by arms; and they were therefore careful, in diſmiſſing their troops, to preſerve nothing but the appearance of a pacific diſpoſition. The officers had orders to be ready on the firſt ſummons: The ſoldiers were warned not to think the nation ſecure from an Engliſh invaſion: And the religious zeal which animated all ranks of men, made them immediately fly to their ſtandards as ſoon as the trumpet was ſounded by their ſpiritual and temporal leaders. The credit which, in their laſt expedition, they had acquired, by obliging their ſovereign to depart from all his pretenſions, gave courage to every one, in undertaking this new enterprize [p].

1640. April 13th.

THE king, with great difficulty, found means to draw together an army; but ſoon diſcovered, that, all ſavings

[o] Ruſh. vol. iii. p. 955.

[p] Clarendon, vol. i. p. 125. Ruſh. vol. iii. p. 1023.

being

being gone, and great debts contracted, his revenue would be insufficient to support them. An English parliament, therefore, formerly so unkind and intractable, must now, after above eleven years intermission, after the king had tried many irregular methods of taxation, after multiplied disgusts given to the puritanical party, be summoned to assemble, amidst the most pressing necessities of the crown.

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1640. 4th English parliament.

As the king resolved to try, whether this house of commons would be more compliant than their predecessors, and grant him supply on any reasonable terms; the time, appointed for the meeting of parliament, was late, and very near the time allotted for opening the campaign against the Scots. After the past experience of their ill-humour, and of their encroaching disposition, he thought that he could not, in prudence, trust them with a long session, till he had seen some better proofs of their good intentions: The urgency of the occasion, and the little time allowed for debate, were reasons which he reserved against the malcontents in the house: And an incident had happened, which, he believed, had now furnished him with still more cogent arguments.

THE earl of Traquaire had intercepted a letter, written to the king of France by the Scottish malcontents; and had conveyed this letter to the king. Charles, partly repenting of the large concessions made to the Scots, partly disgusted at their fresh insolence and pretensions, seized this opportunity of breaking with them. He had thrown into the Tower lord Loudon, commissioner from the covenanters; one of the persons who had signed the treasonable letter[q]. And he now laid the matter before the parliament, whom he hoped to inflame by the resentment, and alarm by the danger, of this application to a foreign power. By the mouth of the lord keeper, Finch, he discovered his wants, and informed them, that he had

[q] Clarendon, vol. i. p. 129. Rush. vol. iii. p. 956. May, p. 56.

been

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been able to aſſemble his army, and to ſubſiſt them, not by any revenue which he poſſeſſed, but by means of a large debt of above 300,000 pounds, which he had contracted, and for which he had given ſecurity upon the crown-lands. He repreſented, that it was neceſſary to grant ſupplies for the immediate and urgent demands of his military armaments: That the ſeaſon was far advanced, the time precious, and none of it muſt be loſt in deliberation: That though his coffers were empty, they had not been exhauſted by unneceſſary pomp, or ſumptuous buildings, or any other kind of magnificence: That whatever ſupplies had been levied on his ſubjects, had been employed for their advantage and preſervation, and like vapours riſing out of the earth, and gathered into a cloud, had fallen in ſweet and refreſhing ſhowers on the ſame fields, from which they had, at firſt, been exhaled: That though he deſired ſuch immediate aſſiſtance as might prevent, for the time, a total diſorder in the government, he was far from any intention of precluding them from their right to enquire into the ſtate of the kingdom, and to offer him petitions for the redreſs of their grievances: That as much as was poſſible of this ſeaſon ſhould afterwards be allowed them for that purpoſe: That as he expected only ſuch ſupply at preſent as the current ſervice neceſſarily required, it would be requiſite to aſſemble them again next winter, when they ſhould have full leiſure to conclude whatever buſineſs had, this ſeſſion, been left imperfect and unfiniſhed: That the parliament of Ireland had twice put ſuch truſt in his good intentions as to grant him, in the beginning of the ſeſſion, a large ſupply, and had ever experienced good effects from the confidence repoſed in him: And that, in every circumſtance, his people ſhould find his conduct ſuitable to a juſt, pious, and gracious king, and ſuch as was calculated to promote an entire harmony between prince and parliament[r].

[r] Ruſh. vol. iv. p. 1114.

However

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HOWEVER plauſible theſe topics, they made ſmall impreſſion on the houſe of commons. By ſome illegal, and ſeveral ſuſpicious meaſures of the crown, and by the courageous oppoſition which particular perſons, amidſt dangers and hardſhips, had made to them; the minds of men, throughout the nation, had taken ſuch a turn as to aſcribe every honour to the refractory oppoſers of the king and the miniſters. Theſe were the only patriots, the only lovers of their country, the only heroes, and, perhaps too, the only true Chriſtians. A reaſonable compliance with the court was ſlaviſh dependence; a regard to the king, ſervile flattery; a confidence in his promiſes, ſhameful proſtitution. This general caſt of thought, which has, more or leſs, prevailed in England, during near a century and a half, and which has been the cauſe of much good and much ill in public affairs, never predominated more than during the reign of Charles. The preſent houſe of commons, being entirely compoſed of country-gentlemen, who came into parliament with all their native prejudices about them, and whom the crown had no means of influencing, could not fail to contain a majority of theſe ſtubborn patriots.

AFFAIRS likewiſe, by means of the Scottiſh inſurrection, and the general diſcontents in England, were drawing ſo near to a criſis, that the leaders of the houſe, ſagacious and penetrating, began to foreſee the conſequences, and to hope, that the time, ſo long wiſhed for, was now come, when royal authority muſt fall into a total ſubordination under popular aſſemblies, and when public liberty muſt acquire a full aſcendant. By reducing the crown to neceſſities, they had hitherto found, that the king had been puſhed into violent counſels, which had ſerved extremely the purpoſes of his adverſaries: And by multiplying theſe neceſſities, it was foreſeen, that his prerogative, undermined on all ſides, muſt, at laſt, be overthrown, and be no longer dangerous to the privileges of

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of the people. Whatever, therefore, tended to compoſe the differences between king and parliament, and to preſerve the government uniformly in its preſent channel, was zealouſly oppoſed by theſe popular leaders; and their paſt conduct and ſufferings gave them credit ſufficient to effect all their purpoſes.

THE houſe of commons, moved by theſe and many other obvious reaſons, inſtead of taking notice of the king's complaints againſt his Scottiſh ſubjects, or his applications for ſupply, entered immediately upon grievances; and a ſpeech, which Pym made them on that ſubject, was much more hearkened to, than that which the lord keeper had delivered to them in the name of their ſovereign. The ſubject of Pym's harangue has been ſufficiently explained above; where we gave an account of all the grievances, imaginary in the church, more real in the ſtate, of which the nation, at that time, ſo loudly complained[s]. The houſe began with examining the behaviour of the ſpeaker the laſt day of the former parliament; when he refuſed, on account of the king's command, to put the queſtion: And they declared it a breach of privilege. They proceeded next to enquire into the impriſonment and proſecution of Sir John Elliot, Hollis, and Valentine[t]: The affair of ſhip-money was canvaſſed; And plentiful ſubject of enquiry was ſuggeſted on all hands. Grievances were regularly claſſed under three heads; thoſe with regard to privileges of parliament, to the property of the ſubject, and to religion[u]. The king, ſeeing a large and inexhauſtible field opened, preſſed them again for ſupply; and finding his meſſage ineffectual, he came to the houſe of peers, and deſired their good offices with the commons. The peers were ſenſible of the king's urgent neceſſities; and thought that ſupply, on this occaſion, ought, both in reaſon and in decency, to go before

[s] Clarendon, vol. i. p. 133. Ruſh. vol. iii. p. 1131. May, p. 60.
[t] Ruſh. vol. iii. p. 1136. [u] Idem, ibid. p. 1147.

grievances,

grievances. They ventured to repreſent their ſenſe of the matter to the commons; but their interceſſion did harm. The commons had always claimed, as their peculiar province, the granting of ſupplies; and, though the peers had here gone no farther than offering advice, the lower houſe immediately thought proper to vote ſo unprecedented an interpoſition to be a breach of privilege [w]. Charles, in order to bring the matter of ſupply to ſome iſſue, ſolicited the houſe by new meſſages: And finding that ſhip-money gave great alarm and diſguſt; beſides informing them, that he never intended to make a conſtant revenue of it, that all the money levied had been regularly, with other great ſums, expended on equipping the navy; he now went ſo far as to offer them a total abolition of that obnoxious claim, by any law, which the commons ſhould think proper to preſent to him. In return, he only aſked, for his neceſſities, a ſupply of twelve ſubſidies, about ſix hundred thouſand pounds, and that payable in three years; but, at the ſame time, he let them know, that, conſidering the ſituation of his affairs, a delay would be equivalent to a denial [x]. The king, though the majority was againſt him, never had more friends in any houſe of commons; and the debate was carried on for two days, with great zeal and warmth on both ſides.

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It was urged by the partizans of the court, that the happieſt occaſion, which the fondeſt wiſhes could ſuggeſt, was now preſented, for removing all diſguſts and jealouſies between king and people, and for reconciling their ſovereign, for ever, to the uſe of parliaments. That if they, on their part, laid aſide all enormous claims and pretenſions, and provided, in a reaſonable manner, for the public neceſſities; they needed entertain no ſuſpicion of any inſatiable ambition or illegal uſurpation in the crown. That though due regard had not always been

[w] Clarendon, vol. i. p. 134. [x] Clarendon, vol. i. p. 135. Ruſh. vol. iii. p. 1154.

paid,

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paid, during this reign, to the rights of the people, yet no invaſion of them had been altogether deliberate and voluntary; much leſs, the reſult of wanton tyranny and injuſtice; and ſtill leſs, of a formed deſign to ſubvert the conſtitution. That to repoſe a reaſonable confidence in the king, and generouſly to ſupply his preſent wants, which proceeded neither from prodigality nor miſconduct, would be the true means of gaining on his generous nature, and extorting, by gentle violence, ſuch conceſſions as were requiſite for the eſtabliſhment of public liberty. That he had promiſed, not only on the word of a prince, but alſo on that of a gentleman (the expreſſion which he had been pleaſed to uſe), that, after the ſupply was granted, the parliament ſhould ſtill have liberty to continue their deliberations: Could it be ſuſpected, that any man, any prince, much leſs ſuch a one, whoſe word was, as yet, ſacred and inviolate, would, for ſo ſmall a motive, forfeit his honour, and, with it, all future truſt and confidence, by breaking a promiſe, ſo public and ſo ſolemn? That even if the parliament ſhould be deceived in repoſing this confidence in him, they neither loſt any thing, nor incurred any danger; ſince it was evidently neceſſary, for the ſecurity of public peace, to ſupply him with money, in order to ſuppreſs the Scottiſh rebellion. That he had ſo far ſuited his firſt demands to their prejudices, that he only aſked a ſupply for a few months, and was willing, after ſo ſhort a truſt from them, to fall again into dependence, and to truſt them for his farther ſupport and ſubſiſtence. That if he now ſeemed to deſire ſomething farther, he alſo made them, in return, a conſiderable offer, and was willing, for the future, to depend on them for a revenue, which was quite neceſſary for public honour and ſecurity. That the nature of the Engliſh conſtitution ſuppoſed a mutual confidence between king and parliament: And if they ſhould refuſe it on their part, eſpecially with circumſtances of ſuch

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ſuch outrage and indignity; what could be expected but a total diſſolution of government, and violent factions, followed by the moſt dangerous convulſions and inteſtine diſorders?

In oppoſition to theſe arguments, it was urged by the malcontent party, that the court had diſcovered, on their part, but few ſymptoms of that mutual confidence to which they now ſo kindly invited the commons. That eleven years intermiſſion of parliaments, the longeſt that was to be found in the Engliſh annals, was a ſufficient indication of the jealouſy entertained againſt the people; or rather of deſigns formed for the ſuppreſſion of all their liberties and privileges. That the miniſters might well plead neceſſity, nor could any thing, indeed, be a ſtronger proof of ſome invincible neceſſity, than their embracing a meaſure, for which they had conceived ſo violent an averſion, as the aſſembling of an Engliſh parliament. That this neceſſity, however, was purely miniſterial, not national: And if the ſame grievances, eccleſiaſtical and civil, under which this nation itſelf laboured, had puſhed the Scots to extremities; was it requiſite that the Engliſh ſhould forge their own chains, by impoſing chains on their unhappy neighbours? That the ancient practice of parliament was to give grievances the precedency of ſupply; and this order, ſo carefully obſerved by their anceſtors, was founded on a jealouſy inherent in the conſtitution, and was never interpreted as any peculiar diffidence of the preſent ſovereign. That a practice, which had been upheld, during times the moſt favourable to liberty, could not, in common prudence, be departed from, where ſuch undeniable reaſons for ſuſpicion had been afforded. That it was ridiculous to plead the advanced ſeaſon, and the urgent occaſion for ſupply; when it plainly appeared, that, in order to afford a pretence for this topic, and to ſeduce the commons, great political contrivance had been

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employed. That the writs for elections were iſſued early in the winter; and if the meeting of parliament had not purpoſely been delayed till ſo near the commencement of military operations, there had been leiſure ſufficient to have redreſſed all national grievances, and to have proceeded afterwards to an examination of the king's occaſion for ſupply. That the intention of ſo groſs an artifice was to engage the commons, under pretence of neceſſity, to violate the regular order of parliament; and a precedent of that kind being once eſtabliſhed, no enquiry into public meaſures would afterwards be permitted: That ſcarcely any argument, more unfavourable, could be pleaded for ſupply, than an offer to aboliſh ſhip-money; a taxation, the moſt illegal and the moſt dangerous, that had ever, in any reign, been impoſed upon the nation: And that, by bargaining for the remiſſion of that duty, the commons would, in a manner, ratify the authority, by which it had been levied; at leaſt, give encouragement for advancing new pretenſions of a like nature, in hopes of reſigning them on like advantageous conditions.

THESE reaſons, joined to ſo many occaſions of ill humour, ſeemed to ſway with the greater number: But, to make the matter worſe, Sir Harry Vane, the ſecretary, told the commons, without any authority from the king, that nothing leſs than twelve ſubſidies would be accepted as a compenſation for the abolition of ſhip-money. This aſſertion, proceeding from the indiſcretion, if we are not rather to call it the treachery, of Vane, diſpleaſed the houſe, by ſhowing a ſtiffneſs and rigidity in the king, which, in a claim ſo ill grounded, was deemed inexcuſable [y]. We are informed likewiſe, that ſome men, who were thought to underſtand the ſtate of the nation, affirmed in the houſe, that the amount of twelve ſubſidies was

[y] Clarendon, vol. i. p. 138.

a greater

a greater ſum than could be found in all England. Such were the happy ignorance and inexperience of thoſe times, with regard to taxes[a]!

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THE king was in great doubt and perplexity. He ſaw, that his friends in the houſe were outnumbered by his enemies, and that the ſame counſels were ſtill prevalent, which had ever bred ſuch oppoſition and diſturbance. Inſtead of hoping, that any ſupply would be granted him, to carry on war againſt the Scots, whom the majority of the houſe regarded as their beſt friends and firmeſt allies; he expected every day, that they would preſent him an addreſs for making peace with thoſe rebels. And if the houſe met again, a vote, he was informed, would certainly paſs, to blaſt his revenue of ſhip-money; and thereby renew all the oppoſition, which, with ſo much difficulty, he had ſurmounted, in levying that taxation. Where great evils lie on all ſides, it is difficult to follow the beſt counſel; nor is it any wonder that the king, whoſe capacity was not equal to ſituations of ſuch extreme delicacy, ſhould haſtily have formed and executed the reſolution of diſſolving this parliament: A meaſure, however, of which he ſoon after repented, and which the ſubſequent events, more than any convincing reaſon, inclined every one to condemn. The laſt parliament, which ended with ſuch rigour and violence, had yet, at firſt, covered their intentions with greater appearance of moderation than this parliament had hitherto aſſumed. Diſſolution.

AN abrupt and violent diſſolution naturally excites diſcontents among the people, who uſually put entire confidence in their repreſentatives, and expect from them the redreſs of all grievances. As if there were not already ſufficient grounds of complaint, the king perſevered ſtill in thoſe counſels, which, from experience, he might

[a] Clarendon, vol. i, p. 136.

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have been ſenſible, were ſo dangerous and unpopular. Bellaſis and Sir John Hotham were ſummoned before the council; and refuſing to give any account of their conduct in parliament, were committed to priſon. All the petitions and complaints, which had been ſent to the committee of religion, were demanded from Crew, chairman of that committee; and on his refuſal to deliver them, he was ſent to the Tower. The ſtudies, and even the pockets of the earl of Warwic and lord Broke, before the expiration of privilege, were ſearched, in expectation of finding treaſonable papers. Theſe acts of authority were interpreted, with ſome appearance of reaſon, to be invaſions on the right of national aſſemblies[b]. But the king, after the firſt provocation which he met with, never ſufficiently reſpected the privileges of parliament; and by his example, he farther confirmed their reſolution, when they ſhould acquire power, to pay like diſregard to the prerogatives of the crown.

THOUGH the parliament was diſſolved, the convocation was ſtill allowed to ſit; a practice, of which, ſince the reformation, there were but few inſtances[c], and which was for that reaſon ſuppoſed by many to be irregular. Beſides granting to the king a ſupply from the ſpirituality, and framing many canons, the convocation, jealous of like innovations with thoſe which had taken place in Scotland, impoſed an oath on the clergy, and the graduates in the univerſities, by which every one ſwore to maintain the eſtabliſhed government of the church by archbiſhops, biſhops, deans, chapters, &c.[d] Theſe ſteps, in the preſent diſcontented humour of the nation, were commonly deemed illegal; becauſe not

[b] Ruſh. vol. iii. p. 1167. May, p. 61.

[c] There was one in 1586, See hiſtory of archbiſhop Laud, p. 80. The authority of the convocation was indeed, in moſt reſpects, independent of the parliament, and there was no reaſon, which required the one to be diſſolved upon the diſſolution of the other.

[d] Whitlocke, p. 33.

ratified

ratified by consent of parliament, in whom all authority was now supposed to be centered. And nothing, besides, could afford more subject of ridicule, than an oath, which contained an *et cætera* in the midst of it. CHAP. LIII. 1640.

The people, who generally abhorred the convocation as much as they revered the parliament, could scarcely be restrained from insulting and abusing this assembly; and the king was obliged to give them guards, in order to protect them [e]. An attack too was made during the night upon Laud, in his palace of Lambeth, by above 500 persons; and he found it necessary to fortify himself for his defence [f]. A multitude, consisting of two thousand sectaries, entered St. Paul's, where the high commission then sat; tore down the benches; and cried out, *No bishop, no high commission* [g]. All these instances of discontent were presages of some great revolution; had the court possessed sufficient skill to discern the danger, or sufficient power to provide against it. Discontents in England.

In this disposition of men's minds, it was in vain that the king issued a declaration, in order to convince his people of the necessity, which he lay under, of dissolving the last parliament [h]. The chief topic, on which he insisted, was, that the commons imitated the bad example of all their predecessors of late years, in making continual encroachments on his authority, in censuring his whole administration and conduct, in discussing every circumstance of public government, and in their indirect bargaining and contracting with their king for supply; as if nothing ought to be given him but what he should purchase, either by quitting somewhat of his royal prerogative, or by diminishing and lessening his standing revenue. These practices, he said, were contrary to the maxims

e Whitlocke, p. 33.
f Dugdale, p. 62. Clarendon, vol. i. p. 243.
g Dugdale, p. 65.
h Rushworth, vol. iii. p. 1166.

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of their anceſtors; and theſe practices were totally incompatible with monarchy[l].

THE king, diſappointed of parliamentary ſubſidies, was obliged to have recourſe to other expedients, in order to ſupply his urgent neceſſities. The eccleſiaſtical ſubſidies ſerved him in ſome ſtead; and it ſeemed but juſt, that the clergy ſhould contribute to a war, which was, in a great meaſure, of their own raiſing[k]. He borrowed money from his miniſters and courtiers; and ſo much was he beloved among them, that above 300,000 pounds were ſubſcribed in a few days: Though nothing ſurely could be more diſagreeable to a prince, full of dignity, than to be a burthen on his friends, inſtead of being a ſupport to them. Some attempts were made towards forcing a loan from the citizens; but ſtill repelled by the ſpirit of liberty, which was now become unconquerable[l]. A loan of 40,000 pounds was extorted from the Spaniſh merchants, who had bullion in the Tower, expoſed to the attempts of the king. Coat and conduct-money for the ſoldiery was levied on the counties; an ancient practice[m], but ſuppoſed to be aboliſhed by the petition of right. All the pepper was bought from the Eaſt India company upon truſt, and ſold, at a great diſcount, for ready money[n]. A ſcheme was propoſed for coining two or three hundred thouſand pounds of baſe money[o]. Such were the extremities to which Charles was reduced. The freſh difficulties which, amidſt the preſent diſtreſſes, were every day raiſed, with regard to the payment of ſhip-money, obliged him to exert continual acts of authority, augmented the diſcontents of the people, and encreaſed his indigence and neceſſities[p].

[l] See note [Z] at the end of the volume. [k] May, p. 48.
[l] Ruſh. vol. iii. p. 1181. [m] Idem, vol. i. p. 568.
[n] May, p. 63. [o] Ruſh. vol. iii. p. 1216. May, p. 63.
[p] Ruſh. vol. iii. p. 1173. 1182. 1184. 1199. 1200. 1203. 1204.

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THE preſent expedients, however, enabled the king, though with great difficulty, to march his army, conſiſting of 19,000 foot and 2000 horſe[q]. The earl of Northumberland was appointed general: The earl of Strafford, who was called over from Ireland, lieutenant-g neral: Lord Conway, general of the horſe. A ſmall fleet was thought ſufficient to ſerve the purpoſes of this expedition. 1640.

So great are the effects of zeal and unanimity, that the Scottiſh army, though ſomewhat ſuperior, were ſooner ready than the king's; and they marched to the borders of England. To engage them to proceed, beſides their general knowledge of the ſecret diſcontents of that kingdom, Lord Saville had forged a letter, in the name of ſix noblemen the moſt conſiderable of England, by which the Scots were invited to aſſiſt their neighbours, in procuring a redreſs of grievances[r]. Notwithſtanding theſe warlike preparations and hoſtile attempts, the covenanters ſtill preſerved the moſt pathetic and moſt ſubmiſſive language; and entered England, they ſaid, with no other view, than to obtain acceſs to the king's preſence, and lay their humble petition at his royal feet. At Newburn upon Tyne, they were oppoſed by a detachment of 4,500 men under Conway, who ſeemed reſolute to diſpute with them the paſſage of the river. The Scots firſt entreated them, with great civility, not to ſtop them in their march to their gracious ſovereign; and then attacked them with great bravery, killed ſeveral, and chaſed the reſt from their ground. Such a panic ſeized the whole Engliſh army, that the forces at Newcaſtle fled immediately to Durham; and not yet thinking themſelves ſafe, they deſerted that town, and retreated into Yorkſhire[s]. 20th Aug. 28th Aug. Rout at Newburn.

[q] Ruſh. vol. iii. p. 1279.
[r] Nalſon, vol. ii. p. 427.
[s] Clarendon, vol. i. p. 143.

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THE Scots took poſſeſſion of Newcaſtle; and though ſufficiently elated with their victory, they preſerved exact diſcipline, and perſevered in their reſolution of paying for every thing, in order ſtill to maintain the appearance of an amicable correſpondence with England. They alſo diſpatched meſſengers to the king, who was arrived at York; and they took care, after the advantage which they had obtained, to redouble their expreſſions of loyalty, duty, and ſubmiſſion to his perſon, and they even made apologies, full of ſorrow and contrition, for their late victory[t].

CHARLES was in a very diſtreſſed condition. The nation was univerſally and highly diſcontented. The army was diſcouraged, and began likewiſe to be diſcontented, both from the contagion of general diſguſt, and as an excuſe for their miſbehaviour, which they were deſirous of repreſenting rather as want of will than of courage to fight. The treaſury too was quite exhauſted, and every expedient for ſupply had been tried to the uttermoſt. No event had happened, but what might have been foreſeen as neceſſary, at leaſt as very probable; yet ſuch was the king's ſituation, that no proviſion could be made, nor was even any reſolution taken againſt ſuch an exigency.

Treaty at Rippon.

IN order to prevent the advance of the Scots upon him, the king agreed to a treaty, and named ſixteen Engliſh noblemen, who met with eleven Scottiſh commiſſioners at Rippon. The earls of Hertford, Bedford, Saliſbury, Warwic, Eſſex, Holland, Briſtol, and Berkſhire, the lords Kimbolton, Wharton, Dunſmore, Paget, Broke, Saville, Paulet, and Howard of Eſcric, were choſen by the king; all of them popular men, and conſequently ſuppoſed nowiſe averſe to the Scottiſh invaſion, or unacceptable to that nation[u].

[t] Ruſh. vol. iii. p. 1255.

[u] Clarendon, vol. i. p. 155.

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An addreſs arrived from the city of London, petitioning for a parliament; the great point to which all men's projects at this time tended [w]. Twelve noblemen preſented a petition to the ſame purpoſe [x]. But the king contented himſelf with ſummoning a great council of the peers at York; a meaſure which had formerly been taken in caſes of ſudden emergency, but which, at preſent, could ſerve to little purpoſe. Perhaps, the king, who dreaded, above all things, the houſe of commons, and who expected no ſupply from them on any reaſonable terms, thought, that in his preſent diſtreſſes he might be enabled to levy ſupplies by the authority of the peers alone. But the employing, ſo long, the plea of a neceſſity, which appeared diſtant and doubtful, rendered it impoſſible for him to avail himſelf of a neceſſity, which was now at laſt become real, urgent, and inevitable.

By Northumberland's ſickneſs the command of the army had devolved on Strafford. This nobleman poſſeſſed more vigour of mind than the king or any of the council. He adviſed Charles rather to put all to hazard, than ſubmit to ſuch unworthy terms as were likely to be impoſed upon him. The loſs ſuſtained at Newburn, he ſaid, was inconſiderable; and though a panic had for the time ſeized the army, that event was nothing ſtrange among new levied troops; and the Scots, being in the ſame condition, would, no doubt, be liable, in their turn, to a like accident. His opinion, therefore, was that the king ſhould puſh forward, and attack the Scots, and bring the affair to a quick deciſion; and, if he were ever ſo unſucceſsful, nothing worſe could befal him, than what, from his inactivity, he would certainly be expoſed to [y]. To ſhow how eaſy it would be to execute

[w] Ruſh. vol. iii. p. 1263. [x] Clarendon, vol. i. p. 146. Ruſh. vol. iii. p. 1260. May, p. 66. Warwick, p. 151. [y] Nalſon, vol. ii. p. 5.

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this project, he ordered an assault to be made on some quarters of the Scots, and he gained an advantage over them. No cessation of arms had, as yet, been agreed to during the treaty at Rippon; yet great clamour prevailed, on account of this act of hostility. And when it was known that the officer, who conducted the attack, was a papist, a violent outcry was raised against the king, for employing that hated sect, in the murder of his protestant subjects [z].

It may be worthy of remark, that several mutinies had arisen among the English troops, when marching to join the army; and some officers had been murdered, merely on suspicion of their being papists [a]. The petition of right had abolished all martial law; and by an inconvenience, which naturally attended the plan, as yet new and unformed, of regular and rigid liberty, it was found absolutely impossible for the generals to govern the army, by all the authority which the king could legally confer upon them. The lawyers had declared, that martial law could not be exercised, except in the very presence of an enemy; and because it had been found necessary to execute a mutineer, the generals thought it advisable, for their own safety, to apply for a pardon from the crown. This weakness, however, was carefully concealed from the army; and lord Conway said, that, if any lawyer were so imprudent as to discover the secret to the soldiers, it would be necessary instantly to refute him, and to hang the lawyer himself by sentence of a court-martial [b].

An army new levied, undisciplined, frightened, seditious, ill-paid, and governed by no proper authority, was very unfit for withstanding a victorious and high-spirited enemy, and retaining in subjection a discontented and zealous nation.

[z] Clarendon, vol. i. p. 159. 1192, &c. May, p. 64.

[a] Rush. vol. iii. p. 1190, 1191,

[b] Rush. vol. iii. p. 1199.

CHARLES,

CHARLES, in deſpair of being able to ſtem the torrent, at laſt determined to yield to it: And as he foreſaw that the great council of the peers would adviſe him to call a parliament, he told them, in his firſt ſpeech, that he had already taken this reſolution. He informed them likewiſe, that the queen, in a letter which ſhe had written to him, had very earneſtly recommended that meaſure. This good prince, who was extremely attached to his conſort, and who paſſionately wiſhed to render her popular in the nation, forgot not, amidſt all his diſtreſs, the intereſts of his domeſtic tenderneſs [c].

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IN order to ſubſiſt both armies (for the king was obliged, in order to ſave the northern counties, to pay his enemies) Charles wrote to the city, deſiring a loan of 200,000 pounds. And the peers at York, whoſe authority was now much greater than that of their ſovereign, joined in the ſame requeſt [d]. So low was this prince already fallen in the eyes of his own ſubjects!

As many difficulties occurred in the negociation with the Scots, it was propoſed to transfer the treaty from Rippon to London: A propoſal willingly embraced by that nation, who were now ſure of treating with advantage, in a place where the king, they foreſaw, would be, in a manner, a priſoner, in the midſt of his implacable enemies, and their determined friends [e].

[c] Clarendon, vol. i. p. 154. Ruſh. vol. iii. p. 1275.
[d] Ruſh. vol. iii. p. 1279. [e] Ibid. p. 1305.

CHAP. LIV.

Meeting of the long parliament——Strafford and Laud impeached——Finch and Windebank fly——Great authority of the commons——The biſhops attacked——Tonnage and poundage——Triennial bill——Strafford's trial——Bill of attainder——Execution of Strafford——High commiſſion and ſtar-chamber aboliſhed——King's journey to Scotland.

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THE cauſes of diſguſt which, for above thirty years, had daily been multiplying in England, were now come to full maturity, and threatened the kingdom with ſome great revolution or convulſion. The uncertain and undefined limits of prerogative and privilege had been eagerly diſputed during that whole period; and in every controverſy between prince and people, the queſtion, however doubtful, had always been decided by each party in favour of its own pretenſions. Too lightly, perhaps, moved by the appearance of neceſſity, the king had even aſſumed powers incompatible with the principles of limited government, and had rendered it impoſſible for his moſt zealous partizans entirely to juſtify his conduct, except by topics ſo unpopular, that they were more fitted, in the preſent diſpoſition of men's minds, to inflame, than appeaſe, the general diſcontent. Thoſe great ſupports of public authority, law and religion, had likewiſe, by the unbounded compliance of judges and prelates, loſt much of their influence over the people; or rather had in a great meaſure gone over to the ſide of faction, and authorized

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rized the ſpirit of oppoſition and rebellion. The nobility, alſo, whom the king had no means of retaining by offices and preferments ſuitable to their rank, had been ſeized with the general diſcontent, and unwarily threw themſelves into the ſcale, which already began too much to preponderate. Senſible of ſome encroachments which had been made by royal authority, men entertained no jealouſy of the commons, whoſe enterprizes, for the acquiſition of power, had ever been covered with the appearance of public good, and had hitherto gone no farther than ſome diſappointed efforts and endeavours. The progreſs of the Scottiſh malcontents reduced the crown to an entire dependence for ſupply: Their union with the popular party in England brought great acceſſion of authority to the latter: The near proſpect of ſucceſs rouſed all latent murmurs and pretenſions which had hitherto been held in ſuch violent conſtraint: And the torrent of general inclination and opinion ran ſo ſtrongly againſt the court, that the king was in no ſituation to refuſe any reaſonable demands of the popular leaders, either for defining or limiting the powers of his prerogative. Even many exorbitant claims, in his preſent ſituation, would probably be made, and muſt neceſſarily be complied with.

THE triumph of the malcontents over the church was not yet ſo immediate or certain. Though the political and religious puritans mutually lent aſſiſtance to each other, there were many who joined the former, yet declined all connexion with the latter. The hierarchy had been eſtabliſhed in England ever ſince the reformation: The Romiſh church, in all ages, had carefully maintained that form of eccleſiaſtical government: The ancient fathers too bore teſtimony to epiſcopal juriſdiction: And though parity may ſeem at firſt to have had place among Chriſtian paſtors, the period, during which it prevailed,

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prevailed, was ſo ſhort, that few undiſputed traces of it remained in hiſtory. The biſhops and their more zealous partizans inferred thence the divine indefeizable right of prelacy: Others regarded that inſtitution as venerable and uſeful: And if the love of novelty led ſome to adopt the new rites and diſcipline of the puritans, the reverence to antiquity retained many in their attachment to the liturgy and government of the church. It behoved, therefore, the zealous innovators in parliament to proceed with ſome caution and reſerve. By promoting all meaſures which reduced the powers of the crown, they hoped to diſarm the king, whom they juſtly regarded, from principle, inclination, and policy, to be the determined patron of the hierarchy. By declaiming againſt the ſuppoſed encroachments and tyranny of the prelates, they endeavoured to carry the nation, from a hatred of their perſons, to an oppoſition againſt their office and character. And when men were inliſted in party, it would not be difficult, they thought, to lead them by degrees into many meaſures, for which they formerly entertained the greateſt averſion. Though the new ſectaries compoſed not, at firſt, the majority of the nation, they were inflamed, as is uſual among innovators, with extreme zeal for their opinions. Their unſurmountable paſſion, diſguiſed to themſelves, as well as to others, under the appearance of holy fervours, was well qualified to make proſelytes, and to ſeize the minds of the ignorant multitude. And one furious enthuſiaſt was able, by his active induſtry, to ſurmount the indolent efforts of many ſober and reaſonable antagoniſts.

WHEN the nation, therefore, was ſo generally diſcontented, and little ſuſpicion was entertained of any deſign to ſubvert the church and monarchy; no wonder that almoſt all elections ran in favour of thoſe, who, by their high pretenſions to piety and patriotiſm, had encouraged the

the national prejudices. It is a uſual compliment to regard the king's inclination in the choice of a ſpeaker; and Charles had intended to advance Gardiner, recorder of London, to that important truſt: But ſo little intereſt did the crown, at that time, poſſeſs in the nation, that Gardiner was diſappointed of his election, not only in London, but in every other place where it was attempted: And the king was obliged to make the choice of ſpeaker fall on Lenthal, a lawyer of ſome character, but not ſufficiently qualified for ſo high and difficult an office[f]. CHAP. LIV. 1640.

THE eager expectations of men with regard to a parliament, ſummoned at ſo critical a juncture, and during ſuch general diſcontents; a parliament which, from the ſituation of public affairs, could not be abruptly diſſolved, and which was to execute every thing left unfiniſhed by former parliaments; theſe motives, ſo important and intereſting, engaged the attendance of all the members; and the houſe of commons was never obſerved to be, from the beginning, ſo full and numerous. Without any interval, therefore, they entered upon buſineſs, and, by unanimous conſent, they immediately ſtruck a blow which may, in a manner, be regarded as deciſive. Meeting of the long parliament. Nov. 3.

THE earl of Strafford was conſidered as chief miniſter, both on account of the credit which he poſſeſſed with his maſter, and of his own great and uncommon vigour and capacity. By a concurrence of accidents, this man laboured under the ſevere hatred of all the three nations which compoſed the Britiſh monarchy. The Scots, whoſe authority now ran extremely high, looked on him as the capital enemy of their country, and one whoſe counſels and influence they had moſt reaſon to apprehend. He had engaged the parliament of Ireland to advance large ſubſidies, in order to ſupport a war againſt them: He had levied an army of 9000 men, with which he had

[f] Clarendon, vol. i. p. 169.

menaced

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menaced all their weſtern coaſt: He had obliged the Scots, who lived under his government, to renounce the covenant, their national idol: He had, in Ireland, proclaimed the Scottiſh covenanters rebels and traitors, even before the king had iſſued any ſuch declaration againſt them in England: And he had ever diſſuaded his maſter againſt the late treaty and ſuſpenſion of arms, which he regarded as dangerous and diſhonourable. So avowed and violent were the Scots in their reſentment of all theſe meaſures, that they had refuſed to ſend commiſſioners to treat at York, as was at firſt propoſed; becauſe, they ſaid, the lieutenant of Ireland, their capital enemy, being general of the king's forces, had there the chief command and authority.

STRAFFORD, firſt as deputy, then as lord lieutenant, had governed Ireland during eight years with great vigilance, activity, and prudence, but with very little popularity. In a nation ſo averſe to the Engliſh government and religion, theſe very virtues were ſufficient to draw on him the public hatred. The manners too and character of this great man, though to all full of courteſy, and to his friends full of affection, were, at bottom, haughty, rigid, and ſevere. His authority and influence, during the time of his government, had been unlimited; but no ſooner did adverſity ſeize him, than the concealed averſion of the nation blazed up at once, and the Iriſh parliament uſed every expedient to aggravate the charge againſt him.

THE univerſal diſcontent, which prevailed in England againſt the court, was all pointed towards the earl of Strafford; though without any particular reaſon, but becauſe he was the miniſter of ſtate whom the king moſt favoured and moſt truſted. His extraction was honourable, his paternal fortune conſiderable: Yet envy attended his ſudden and great elevation. And his former aſſociates

ciates in popular counſels, finding that he owed his advancement to the deſertion of their cauſe, repreſented him as the great apoſtate of the commonwealth, whom it behoved them to ſacrifice as a victim to public juſtice. CHAP. LIV. 1640.

STRAFFORD, ſenſible of the load of popular prejudices under which he laboured, would gladly have declined attendance in parliament; and he begged the king's permiſſion to withdraw himſelf to his government of Ireland, at leaſt to remain at the head of the army in Yorkſhire; where many opportunities, he hoped, would offer, by reaſon of his diſtance, to elude the attacks of his enemies. But Charles, who had entire confidence in the earl's capacity, thought, that his counſels would be extremely uſeful during the critical ſeſſion which approached. And when Strafford ſtill inſiſted on the danger of his appearing amidſt ſo many enraged enemies, the king, little apprehenſive that his own authority was ſo ſuddenly to expire, promiſed him protection, and aſſured him, that not a hair of his head ſhould be touched by the parliament[g].

No ſooner was Strafford's arrival known, than a concerted attack was made upon him in the houſe of commons. Pym, in a long, ſtudied diſcourſe, divided into many heads after his manner, enumerated all the grievances under which the nation laboured; and, from a complication of ſuch oppreſſions, inferred, that a deliberate plan had been formed of changing entirely the frame of government, and ſubverting the ancient laws and liberties of the kingdom[h]. Could any thing, he ſaid, encreaſe our indignation againſt ſo enormous and criminal a project, it would be to find, that, during the reign of the beſt of princes, the conſtitution had been endangered by the worſt of miniſters, and that the virtues of the king had been ſeduced by wicked and pernicious counſel. We 11th Nov. Strafford impeached.

[g] Whitlocke, p. 36. [h] Id. ibid.

muſt

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must enquire, added he, from what fountain these waters of bitterness flow; and though doubtless many evil counsellors will be found to have contributed their endeavours, yet is there one who challenges the infamous pre-eminence, and who, by his courage, enterprize, and capacity, is intitled to the first place among these betrayers of their country. He is the Earl of Strafford, lieutenant of Ireland, and president of the council of York, who in both places, and in all other provinces where he has been entrusted with authority, has raised ample monuments of tyranny, and will appear, from a survey of his actions, to be the chief promoter of every arbitrary counsel. Some instances of imperious expressions, as well as actions, were given by Pym; who afterwards entered into a more personal attack of that minister, and endeavoured to expose his whole character and manners. The austere genius of Strafford, occupied in the pursuits of ambition, had not rendered his breast altogether inaccessible to the tender passions, or secured him from the dominion of the fair; and in that sullen age, when the irregularities of pleasure were more reproachful than the most odious crimes, these weaknesses were thought worthy of being mentioned, together with his treasons, before so great an assembly. And, upon the whole, the orator concluded, that it belonged to the house to provide a remedy proportionable to the disease, and to prevent the farther mischiefs justly to be apprehended from the influence which this man had acquired over the measures and counsels of their sovereign[1].

Sir John Clotworthy an Irish gentleman, Sir John Hotham of Yorkshire, and many others, entered into the same topics: And, after several hours spent in bitter invective, when the doors were locked, in order to prevent all discovery of their purpose; it was moved, in conse-

[1] Clarendon, vol. i. p. 172.

quence

quence of the reſolution ſecretly taken, that Strafford ſhould immediately be impeached of high treaſon. This motion was received with univerſal approbation; nor was there, in all the debate, one perſon that offered to ſtop the torrent by any teſtimony in favour of the earl's conduct. Lord Falkland alone, though known to be his enemy, modeſtly deſired the houſe to conſider, whether it would not better ſuit the gravity of their proceedings, firſt to digeſt, by a committee, many of thoſe particulars which had been mentioned, before they ſent up an accuſation againſt him. It was ingeniouſly anſwered by Pym, that ſuch a delay might probably blaſt all their hopes; and put it out of their power to proceed any farther in the proſecution: That when Strafford ſhould learn, that ſo many of his enormities were diſcovered, his conſcience would dictate his condemnation; and ſo great was his power and credit, he would immediately procure the diſſolution of the parliament, or attempt ſome other deſperate meaſure for his own preſervation: That the commons were only accuſers, not judges; and it was the province of the peers to determine, whether ſuch a complication of enormous crimes, in one perſon, did not amount to the higheſt crime known by the law[k]. Without farther debate, the impeachment was voted: Pym was choſen to carry it up to the lords: Moſt of the houſe accompanied him on ſo agreeable an errand: And Strafford, who had juſt entered the houſe of peers, and who little expected ſo ſpeedy a proſecution, was immediately, upon this general charge, ordered into cuſtody, with ſeveral ſymptoms of violent prejudice in his judges, as well as in his proſecutors.

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In the enquiry concerning grievances and in the cenſure of paſt meaſures, Laud could not long eſcape the ſevere ſcrutiny of the commons; who were led too, in

Laud impeached.

[k] Clarendon, vol. i. p. 174.

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their accuſation of that prelate, as well by their prejudices againſt his whole order, as by the extreme antipathy which his intemperate zeal had drawn upon him. After a deliberation, which ſcarcely laſted half an hour, an impeachment of high treaſon was voted againſt this ſubject, the firſt, both in rank and in favour, throughout the kingdom. Though this incident, conſidering the example of Strafford's impeachment and the preſent diſpoſition of the nation and parliament, needed be no ſurprize to him; yet was he betrayed into ſome paſſion, when the accuſation was preſented. *The commons themſelves*, he ſaid, *though his accuſers, did not believe him guilty of the crimes with which they charged him:* An indiſcretion, which, next day, upon more mature deliberation, he deſired leave to retract; but ſo little favourable were the peers, that they refuſed him this advantage or indulgence. Laud alſo was immediately, upon this general charge, ſequeſtered from parliament, and committed to cuſtody [1].

THE capital article inſiſted on againſt theſe two great men, was the deſign which the commons ſuppoſed to have been formed, of ſubverting the laws and conſtitution of England, and introducing arbitrary and unlimited authority into the kingdom. Of all the king's miniſters, no one was ſo obnoxious in this reſpect as the lord keeper, Finch. He it was, who, being ſpeaker in the king's third parliament, had left the chair, and refuſed to put the queſtion, when ordered by the houſe. The extrajudicial opinion of the judges in the caſe of ſhip-money, had been procured by his intrigues, perſuaſions, and even menaces. In all unpopular and illegal meaſures, he was ever moſt active; and he was even believed to have declared publicly, that, while he was keeper, an order of council ſhould always, with him, be equivalent to a law. To appeaſe the riſing diſpleaſure of the commons, he de-

[1] Clarendon, vol. i. p. 177. Whitlocke, p. 38. Ruſhworth, vol. iii. p. 1365.

fired

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fired to be heard at their bar. He proſtrated himſelf with all humility before them; but this ſubmiſſion availed him nothing. An impeachment was reſolved on; and in order to eſcape their fury, he thought proper ſecretly to withdraw, and retire into Holland. As he was not eſteemed equal to Strafford, or even to Laud, either in capacity or in fidelity to his maſter; it was generally believed, that his eſcape had been connived at by the popular leaders[m]. His impeachment, however, in his abſence, was carried up to the houſe of peers.

Lord keeper Finch flies.

SIR Francis Windebank, the ſecretary, was a creature of Laud's; a ſufficient reaſon for his being extremely obnoxious to the commons. He was ſecretly ſuſpected too of the crime of popery; and it was known that, from complaiſance to the queen, and indeed in compliance with the king's maxims of government, he had granted many indulgences to catholics, and had ſigned warrants for the pardon of prieſts, and their delivery from confinement. Grimſtone, a popular member, called him, in the houſe, the very pander and broker to the whore of Babylon[n]. Finding that the ſcrutiny of the commons was pointing towards him, and being ſenſible that England was no longer a place of ſafety for men of his character, he ſuddenly made his eſcape into France[o].

Secretary Windebank flies.

THUS, in a few weeks, this houſe of commons, not oppoſed, or rather ſeconded by the peers, had produced ſuch a revolution in the government, that the two moſt powerful and moſt favoured miniſters of the king were thrown into the Tower, and daily expected to be tried for their life: Two other miniſters had, by flight alone, ſaved themſelves from a like fate: All the king's ſervants

[m] Clarendon, vol. i. p. 177. Whitlocke, p. 38. Ruſhworth, vol. i. p. 129. 136. [n] Ruſhworth, vol. v. p. 122. [o] Clarendon, vol. i. p. 178. Whitlocke, p. 37.

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ſaw that no protection could be given them by their maſter: A new juriſdiction was erected in the nation; and before that tribunal all thoſe trembled, who had before exulted moſt in their credit and authority.

Great authority of the commons.

WHAT rendered the power of the commons more formidable, was, the extreme prudence with which it was conducted. Not content with the authority which they had acquired by attacking theſe great miniſters, they were reſolved to render the moſt conſiderable bodies of the nation obnoxious to them. Though the idol of the people, they determined to fortify themſelves likewiſe with terrors, and to overawe thoſe who might ſtill be inclined to ſupport the falling ruins of monarchy.

DURING the late military operations, ſeveral powers had been exerciſed by the lieutenants and deputy-lieutenants of counties: And theſe powers, though neceſſary for the defence of the nation, and even warranted by all former precedent, yet not being authorized by ſtatute, were now voted to be illegal; and the perſons who had aſſumed them, declared *delinquents*. This term was newly come into vogue, and expreſſed a degree and ſpecies of guilt not exactly known or aſcertained. In conſequence of that determination, many of the nobility and prime gentry of the nation, while only exerting, as they juſtly thought, the legal powers of magiſtracy, unexpectedly found themſelves involved in the crime of delinquency. And the commons reaped this multiplied advantage by their vote: They diſarmed the crown; they eſtabliſhed the maxims of rigid law and liberty; and they ſpread the terror of their own authority [p].

THE writs for ſhip-money had been directed to the ſheriffs, who were required, and even obliged under ſevere penalties, to aſſeſs the ſums upon individuals, and to levy them by their authority: Yet were all the ſheriffs,

[p] Clarendon, vol. i. p. 176.

and

and all thoſe who had been employed in that illegal ſervice, voted, by a very rigorous ſentence, to be delinquents. The king, by the maxims of law, could do no wrong: His miniſters and ſervants, of whatever degree, in caſe of any violation of the conſtitution, were alone culpable [q].

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ALL the farmers and officers of the cuſtoms, who had been employed during ſo many years, in levying tonnage and poundage and the new impoſitions, were likewiſe declared criminals, and were afterwards glad to compound for a pardon by paying a fine of 150,000 pounds.

EVERY diſcretionary or arbitrary ſentence of the ſtar-chamber and high commiſſion courts; which, from their very conſtitution, were arbitrary, underwent a ſevere ſcrutiny: And all thoſe who had concurred in ſuch ſentences, were voted to be liable to the penalties of law [r]. No miniſter of the king, no member of the council, but found himſelf expoſed by this deciſion.

THE judges, who had given their vote againſt Hambden in the trial of ſhip-money, were accuſed before the peers, and obliged to find ſurety for their appearance. Berkeley, a judge of the King's Bench, was ſeized by order of the houſe, even when ſitting in his tribunal; and all men ſaw with aſtoniſhment the irreſiſtible authority of their juriſdiction [s].

THE ſanction of the lords and commons, as well as that of the king, was declared neceſſary for the confirmation of eccleſiaſtical canons [t]. And this judgment, it muſt be confeſſed, however reaſonable, at leaſt uſeful, it would have been difficult to juſtify by any precedent [u].

But

[q] Clarendon, vol. i. p. 176. [r] Ibid. p. 177. [s] Whitlocke, p. 39. [t] Nalſon, vol. i. p. 678.

[u] An act of parliament, 25 Hen. VIII. cap. 19. allowed the convocation with the king's conſent to make canons. By the famous act of ſubmiſſion to

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But the preſent was no time for queſtion or diſpute. That deciſion, which aboliſhed all legiſlative power except that of parliament, was requiſite for completing the new plan of liberty, and rendering it quite uniform and ſyſtematical. Almoſt all the bench of biſhops, and the moſt conſiderable of the inferior clergy, who had voted in the late convocation, found themſelves expoſed, by theſe new principles, to the imputation of delinquency [w].

THE moſt unpopular of all Charles's meaſures, and the leaſt juſtifiable, was the revival of monopolies, ſo ſolemnly aboliſhed, after reiterated endeavours, by a recent act of parliament. Senſible of this unhappy meaſure, the king had, of himſelf, recalled, during the time of his firſt expedition againſt Scotland, many of theſe oppreſſive patents; and the reſt were now annulled by authority of parliament, and every one who was concerned in them, declared delinquents. The commons carried ſo far their deteſtation of this odious meaſure, that they aſſumed a power which had formerly been ſeldom practiſed [x], and they expelled all their members who were monopoliſts or projectors: An artifice, by which, beſides encreaſing their own privileges, they weakened ſtill farther the very ſmall party which the king ſecretly retained in the houſe. Mildmay, a notorious monopoliſt, yet having aſſociated himſelf with the ruling party, was ſtill allowed to keep his ſeat. In all queſtions indeed of elections, no ſteddy

that prince, the clergy bound themſelves to enact no canons without the king's conſent. The parliament was never mentioned nor thought of. Such pretenſions as the commons advanced at preſent, would, in any former age, have been deemed ſtrange uſurpations.

w Clarendon, vol. i. p. 206. Whitlocke, p. 37. Ruſh. vol. v. p. 235. 359. Nalſon, vol. i. p. 807.

x Lord Clarendon ſays it was entirely new; but there are inſtances of it in the reign of Elizabeth. D'Ewes, p. 296. 352. There are alſo inſtances in the reign of James.

rule

rule of deciſion was obſerved; and nothing farther was regarded than the affections and attachments of the parties[y]. Men's paſſions were too much heated to be ſhocked with any inſtance of injuſtice, which ſerved ends ſo popular as thoſe which were purſued by this houſe of commons. CHAP. LIV. 1640.

THE whole ſovereign power being thus in a manner transferred to the commons, and the government, without any ſeeming violence or diſorder, being changed, in a moment, from a monarchy almoſt abſolute, to a pure democracy; the popular leaders ſeemed willing for ſome time to ſuſpend their active vigour, and to conſolidate their authority, ere they proceeded to any violent exerciſe of it. Every day produced ſome new harangue on paſt grievances. The deteſtation of former uſurpations, was farther enlivened: The jealouſy of liberty rouzed: And agreeably to the ſpirit of free government, no leſs indignation was excited, by the view of a violated conſtitution, than by the ravages of the moſt enormous tyranny.

THIS was the time, when genius and capacity of all kinds, freed from the reſtraint of authority, and nouriſhed by unbounded hopes and projects, began to exert themſelves, and be diſtinguiſhed by the public. Then was celebrated the ſagacity of Pym, more fitted for uſe than ornament; matured, not chilled, by his advanced age and long experience: Then was diſplayed the mighty ambition of Hambden, taught diſguiſe, not moderation, from former conſtraint; ſupported by courage, conducted by prudence, embelliſhed by modeſty; but whether founded in a love of power or zeal for liberty, is ſtill, from his untimely end, leſt doubtful and uncertain: Then too were known the dark, ardent, and dangerous character

[y] Clarendon, vol. i. p. 176.

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of St. John; the impetuous ſpirit of Hollis, violent and ſincere, open and entire in his enmities and in his friendſhips; the enthuſiaſtic genius of young Vane, extravagant in the ends which he purſued, ſagacious and profound in the means which he employed; incited by the appearances of religion, negligent of the duties of morality.

So little apology would be received for paſt meaſures, ſo contagious the general ſpirit of diſcontent, that even men of the moſt moderate tempers, and the moſt attached to the church and monarchy, exerted themſelves with the utmoſt vigour in the redreſs of grievances, and in proſecuting the authors of them. The lively and animated Digby diſplayed his eloquence on this occaſion, the firm and undaunted Capel, the modeſt and candid Palmer. In this liſt too of patriot royaliſts are found the virtuous name of Hyde and Falkland. Though in their ultimate views and intentions, theſe men differed widely from the former; in their preſent actions and diſcourſes, an entire concurrence and unanimity was obſerved.

By the daily harangues and invectives againſt illegal uſurpations, not only the houſe of commons inflamed themſelves with the higheſt animoſity againſt the court: The nation caught new fire from the popular leaders, and ſeemed now to have made the firſt diſcovery of the many ſuppoſed diſorders in the government. While the law, in ſeveral inſtances, ſeemed to be violated, they went no farther than ſome ſecret and calm murmurs; but mounted up into rage and fury, as ſoon as the conſtitution was thought to be reſtored to its former integrity and vigour. The capital eſpecially, being the ſeat of parliament, was highly animated with the ſpirit of mutiny and diſaffection. Tumults were daily raiſed; ſeditious aſſemblies encouraged; and every man, neglecting his own buſineſs, was wholly intent on the defence of liberty and religion.

By

By ſtronger contagion, the popular affections were communicated from breaſt to breaſt, in this place of general rendezvous and ſociety. CHAP. LIV. 1640.

THE harangues of members, now firſt publiſhed and diſperſed, kept alive the diſcontents againſt the king's adminiſtration. The pulpits, delivered over to puritanical preachers and lecturers, whom the commons arbitrarily ſettled in all the conſiderable churches, reſounded with faction and fanaticiſm. Vengeance was fully taken for the long ſilence and conſtraint, in which, by the authority of Laud and the high commiſſion, theſe preachers had been retained. The preſs, freed from all fear or reſerve, ſwarmed with productions, dangerous by their ſeditious zeal and calumny, more than by any art or eloquence of compoſition. Noiſe and fury, cant and hypocriſy, formed the ſole rhetoric, which, during this tumult of various prejudices and paſſions, could be heard or attended to.

THE ſentence, which had been executed againſt Prynne, Baſtwic, and Burton, now ſuffered a reviſal from parliament. Theſe libellers, far from being tamed by the rigorous puniſhments which they had undergone, ſhowed ſtill a diſpoſition of repeating their offence; and the miniſters were afraid, leſt new ſatires ſhould iſſue from their priſons, and ſtill farther inflame the prevailing diſcontents. By an order, therefore, of council, they had been carried to remote priſons; Baſtwic to Scilly, Prynne to Jerſey, Burton to Guernſey; all acceſs to them was denied; and the uſe of books, and of pen, ink, and paper, was refuſed them. The ſentence for theſe additional puniſhments was immediately reverſed, in an arbitrary manner by the commons: Even the firſt ſentence, upon examination, was declared illegal: And the judges, who paſſed it, were ordered to make reparation to the ſufferers.

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ers[z]. When the priſoners landed in England, they were received and entertained with the higheſt demonſtrations of affection, were attended by a mighty confluence of company, their charges were borne with great magnificence, and liberal preſents beſtowed on them. On their approach to any town, all the inhabitants crowded to receive them, and welcomed their reception with ſhouts and acclamations. Their train ſtill encreaſed, as they drew nigh to London. Some miles from the city, the zealots of their party met them in great multitudes, and attended their triumphant entrance: Boughs were carried in this tumultuous proceſſion; the roads were ſtrewed with flowers; and amidſt the higheſt exultations of joy, were intermingled loud and virulent invectives againſt the prelates, who had ſo cruelly perſecuted ſuch godly perſonages[a]. The more ignoble theſe men were, the more ſenſible was the inſult upon royal authority, and the more dangerous was the ſpirit of diſaffection and mutiny, which it diſcovered among the people.

LILBURNE, Leighton, and every one that had been puniſhed for ſeditious libels during the preceding adminiſtration, now recovered their liberty, and were decreed damages from the judges and miniſters of juſtice[b].

NOT only the preſent diſpoſition of the nation enſured impunity to all libellers: A new method of framing and diſperſing libels was invented by the leaders of popular diſcontent. Petitions to parliament were drawn, craving redreſs againſt particular grievances; and when a ſufficient number of ſubſcriptions were procured, the petitions were preſented to the commons, and immediately publiſhed. Theſe petitions became ſecret bonds of aſſocia-

[z] Nalſon, vol. i. p. 783. May, p. 79. [a] Clarendon, vol. i. p. 199, 200, &c. Nalſon, vol. i. p. 570. May, p. 80. [b] Ruſh. vol. v. p. 228. Nalſon, vol. i. p. 800.

tion

tion among the ſubſcribers, and ſeemed to give undoubted ſanction and authority to the complaints which they contained. CHAP. LIV. 1640.

It is pretended by hiſtorians favourable to the royal cauſe [c], and is even aſſerted by the king himſelf in a declaration [d], that a moſt diſingenuous or rather criminal practice prevailed, in conducting many of theſe addreſſes. A petition was firſt framed; moderate, reaſonable, ſuch as men of character willingly ſubſcribed. The names were afterwards torn off, and affixed to another petition, which ſerved better the purpoſes of the popular faction. We may judge of the wild fury which prevailed throughout the nation, when ſo ſcandalous an impoſture, which affected ſuch numbers of people, could be openly practiſed, without drawing infamy and ruin upon the managers.

So many grievances were offered, both by the members, and by petitions without-doors, that the houſe was divided into above forty committees, charged, each of them, with the examination of ſome particular violation of law and liberty, which had been complained of. Beſides the general committees of religion, trade, privileges, laws; many ſubdiviſions of theſe were framed, and a ſtrict ſcrutiny was every-where carried on. It is to be remarked, that, before the beginning of this century, when the commons aſſumed leſs influence and authority, complaints of grievances were uſually preſented to the houſe, by any members who had had particular opportunity of obſerving them. Theſe general committees, which were a kind of inquiſitorial courts, had not then been eſtabliſhed; and we find, that the king, in a former declaration [e], complains loudly of this

[c] Dugdale. Clarendon, vol. i. p. 203. [d] Huſb. Col. p. 536.

[e] Publiſhed on diſſolving the third parliament. See Parl. Hiſt. vol. viii. p. 347.

innovation,

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innovation, ſo little favourable to royal authority. But never was ſo much multiplied, as at preſent, the uſe of theſe committees; and the commons, though themſelves the greateſt innovators, employed the uſual artifice of complaining againſt innovations, and pretending to recover the ancient and eſtabliſhed government.

FROM the reports of their committees, the houſe daily paſſed votes, which mortified and aſtoniſhed the court, and inflamed and animated the nation. Ship-money was declared illegal and arbitrary; the ſentence againſt Hamden cancelled; the court of York aboliſhed; compoſitions for knighthood ſtigmatized; the enlargement of the foreſts condemned; patents for monopolies annulled; and every late meaſure of adminiſtration treated with reproach and obloquy. To-day, a ſentence of the ſtar-chamber was exclaimed againſt: To-morrow, a decree of the high-commiſſion. Every diſcretionary act of council was repreſented as arbitrary and tyrannical; and the general inference was ſtill inculcated, that a formed deſign had been laid to ſubvert the laws and conſtitution of the kingdom.

FROM neceſſity, the king remained entirely paſſive during all theſe violent operations. The few ſervants, who continued faithful to him, were ſeized with aſtoniſhment at the rapid progreſs made by the commons in power and popularity, and were glad, by their unactive and inoffenſive behaviour, to compound for impunity. The torrent riſing to ſo dreadful and unexpected a height, deſpair ſeized all thoſe, who from intereſt or habit were moſt attached to monarchy. And as for thoſe, who maintained their duty to the king, merely from their regard to the conſtitution, they ſeemed by their concurrence to ſwell that inundation, which began already to deluge every thing. "You have taken the whole ma-"chine of government in pieces," ſaid Charles in a diſcourſe

courſe to the parliament; "a practice frequent with "ſkilful artiſts, when they deſire to clear the wheels from "any ruſt, which may have grown upon them. The "engine," continued he, "may again be reſtored to its "former uſe and motions, provided it be put up entire; "ſo as not a pin of it be wanting." But this was far from the intention of the commons. The machine they thought, with ſome reaſon, was incumbered with many wheels and ſprings, which retarded and croſſed its operations, and deſtroyed its utility. Happy! had they proceeded with moderation, and been contented, in their preſent plenitude of power, to remove ſuch parts only as might juſtly be deemed ſuperfluous and incongruous. CHAP. LIV. 1640.

In order to maintain that high authority which they had acquired, the commons, beſides confounding and overawing their opponents, judged it requiſite to inſpire courage into their friends and adherents; particularly into the Scots, and the religious puritans, to whoſe aſſiſtance and good offices they were already ſo much beholden.

No ſooner were the Scots maſters of the northern counties, than they laid aſide their firſt profeſſions, which they had not indeed means to ſupport, of paying for every thing; and in order to prevent the deſtructive expedient of plunder and free quarters, the country conſented to give them a regular contribution of 850 pounds a day, in full of their ſubſiſtence[f]. The parliament, that they might relieve the northern counties from ſo grievous a burden, agreed to remit pay to the Scottiſh, as well as to the Engliſh army; and becauſe ſubſidies would be levied too ſlowly for ſo urgent an occaſion, money was borrowed from the citizens upon the ſecurity of particular members. Two ſubſidies, a very ſmall ſum[g], were

[f] Ruſhworth, vol. iii. p. 1295.

[g] It appears, that a ſubſidy was now fallen to 50,000 pounds.

at

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at firſt voted; and as the intention of this ſupply was to indemnify the members, who, by their private, had ſupported public credit, this pretence was immediately laid hold of, and the money was ordered to be paid, not into the treaſury, but to commiſſioners appointed by parliament: A practice, which, as it diminiſhed the authority of the crown, was willingly embraced, and was afterwards continued by the commons, with regard to every branch of revenue which they granted to the king. The invaſion of the Scots had evidently been the cauſe of aſſembling the parliament: The preſence of their army reduced the king to that total ſubjection in which he was now held: The commons, for this reaſon, openly profeſſed their intention of retaining theſe invaders, till all their own enemies ſhould be ſuppreſſed, and all their purpoſes effected. *We cannot yet ſpare the Scots*, ſaid Strode plainly in the houſe; *the ſons of Zeruiah are ſtill too ſtrong for us*[h]: An alluſion to a paſſage of ſcripture, according to the mode of that age. Eighty thouſand pounds a month were requiſite for the ſubſiſtence of the two armies; a ſum much greater than the ſubject had ever been accuſtomed, in any former period, to pay to the public. And though ſeveral ſubſidies, together with a poll-tax, were from time to time voted to anſwer the charge; the commons ſtill took care to be in debt, in order to render the continuance of the ſeſſion the more neceſſary.

THE Scots being ſuch uſeful allies to the malcontent party in England, no wonder they were courted with the moſt unlimited complaiſance and the moſt important ſervices. The king having, in his firſt ſpeech, called them *rebels*, obſerved, that he had given great offence to the parliament; and he was immediately obliged to ſoften, and even retract the expreſſion. The Scottiſh

[h] Dugdale. p. 71.

commiſſioners,

commiſſioners, of whom the moſt conſiderable were the earl of Rothes and lord Loudon, found every advantage in conducting their treaty; yet made no haſte in bringing it to an iſſue. They were lodged in the city, and kept an intimate correſpondence, as well with the magiſtrates, who were extremely diſaffected, as with the popular leaders in both houſes. St. Antholine's church was aſſigned them for their devotions; and their chaplains, here, began openly to practiſe the preſbyterian form of worſhip, which, except in foreign languages, had never hitherto been allowed any indulgence or toleration. So violent was the general propenſity towards this new religion, that multitudes of all ranks crowded to the church. Thoſe, who were ſo happy as to find acceſs early in the morning, kept their places the whole day: Thoſe, who were excluded, clung to the doors or windows, in hopes of catching, at leaſt, ſome diſtant murmur or broken phraſes of the holy rhetoric [1]. All the eloquence of parliament, now well refined from pedantry, animated with the ſpirit of liberty, and employed in the moſt important intereſts, was not attended to with ſuch inſatiable avidity, as were theſe lectures, delivered with ridiculous cant, and a provincial accent, full of barbariſm and of ignorance.

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THE moſt effectual expedient for paying court to the zealous Scots was to promote the preſbyterian diſcipline and worſhip throughout England, and to this innovation the popular leaders among the commons, as well as their more devoted partizans, were, of themſelves, ſufficiently inclined. The puritanical party, whoſe progreſs, though ſecret, had hitherto been gradual in the kingdom, taking advantage of the preſent diſorders, began openly to profeſs their tenets, and to make furious attacks on the eſtabliſhed religion. The prevalence of that ſect in the

[1] Clarendon, vol. i. p. 189.

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parliament diſcovered itſelf, from the beginning, by inſenſible, but deciſive ſymptoms. Marſhall and Burgeſs, two puritanical clergymen, were choſen to preach before them, and entertained them with diſcourſes ſeven hours in length[k]. It being the cuſtom of the houſe always to take the ſacrament before they enter upon buſineſs, they ordered, as a neceſſary preliminary, that the communion table ſhould be removed from the eaſt end of St. Margaret's into the middle of the area[l]. The name of the *ſpiritual lords* was commonly left out in acts of parliament; and the laws ran in the name of king, lords, and commons. The clerk of the upper houſe, in reading bills, turned his back on the bench of biſhops; nor was his inſolence ever taken notice of. On a day appointed for a ſolemn faſt and humiliation, all the orders of temporal peers, contrary to former practice, in going to church, took place of the ſpiritual; and lord Spencer remarked, that the humiliation, that day, ſeemed confined alone to the prelates.

The biſhops attacked.

EVERY meeting of the commons produced ſome vehement harangue againſt the uſurpations of the biſhops, againſt the high commiſſion, againſt the late convocation, againſt the new canons. So diſguſted were all lovers of civil liberty at the doctrines promoted by the clergy, that theſe invectives were received without controul; and no diſtinction, at firſt, appeared between ſuch as deſired only to repreſs the exorbitancies of the hierarchy, and ſuch as pretended totally to annihilate epiſcopal juriſdiction. Encouraged by theſe favourable appearances, petitions againſt the church were framed in different parts of the kingdom. The epithet of the ignorant and vicious prieſthood was commonly applied to all churchmen, addicted to the eſtabliſhed diſcipline and worſhip; though the epiſcopal clergy in England, during that age, ſeem to

[k] Nalſon, vol. I. p. 530. 533. [l] Idem, ibid. p. 537.

have

have been, as they are at present, sufficiently learned and exemplary. An address against episcopacy was presented by twelve clergymen to the committee of religion, and pretended to be signed by many hundreds of the puritanical persuasion. But what made most noise was the city petition for a total alteration of church government; a petition to which 15,000 subscriptions were annexed, and which was presented by alderman Pennington, the city-member [m]. It is remarkable, that, among the many ecclesiastical abuses there complained of, an allowance, given by the licencers of books, to publish a translation of Ovid's Art of Love, is not forgotten by these rustic censors [n].

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NOTWITHSTANDING the favourable disposition of the people, the leaders in the house resolved to proceed with caution. They introduced a bill for prohibiting all clergymen the exercise of any civil office. As a consequence, the bishops were to be deprived of their seats in the house of peers; a measure not unacceptable to the zealous friends of liberty, who observed, with regret, the devoted attachment of that order to the will of the monarch. But when this bill was presented to the peers, it was rejected by a great majority [o]. The first check which the commons had received in their popular career, and a prognostic of what they might afterwards expect from the upper house, whose inclinations and interests could never be totally separated from the throne. But, to shew how little they were discouraged, the puritans immediately brought in another bill for the total abolition of episcopacy; though they thought proper to let that bill sleep at present, in expectation of a more favourable opportunity of reviving it [p].

[m] Clarendon, vol. i. p. 203. Whitlocke, p. 37. Nalson, vol. i. p. 666.
[n] Rush. vol. v. p. 171.
[o] Clarendon, vol. i. p. 237.
[p] Idem, ibid.

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AMONG other acts of regal executive power, which the commons were every day aſſuming, they iſſued orders for demoliſhing all images, altars, crucifixes. The zealous Sir Robert Harley, to whom the execution of theſe orders was committed, removed all croſſes even out of ſtreets and markets; and, from his abhorrence of that ſuperſtitious figure, would not any-where allow one piece of wood or ſtone to lie over another at right angles [q].

THE biſhop of Ely and other clergymen were attacked on account of innovations [r]. Cozens, who had long been obnoxious, was expoſed to new cenſures. This clergyman, who was dean of Peterborough, was extremely zealous for eccleſiaſtical ceremonies: And ſo far from permitting the communicants to break the ſacramental bread with their fingers; a privilege on which the puritans ſtrenuouſly inſiſted; he would not ſo much as allow it to be cut with an ordinary houſehold inſtrument. A conſecrated knife muſt perform that ſacred office, and muſt never afterwards be profaned by any vulgar ſervice [s].

COZENS likewiſe was accuſed of having ſaid, *The king has no more authority in eccleſiaſtical matters, than the boy who rubs my horſe's heels* [t]. The expreſſion was violent: But it is certain, that all thoſe high churchmen, who were ſo induſtrious in reducing the laity to ſubmiſſion, were extremely fond of their own privileges and independency, and were deſirous of exempting the mitre from all ſubjection to the crown.

A COMMITTEE was elected by the lower houſe, as a court of inquiſition upon the clergy, and was commonly denominated the committee of *ſcandalous miniſters*. The politicians among the commons were apprized of the great importance of the pulpit for guiding the people; the bi-

[q] Whitlocke, p. 45.
[r] Ruſhworth, vol. v. p. 351.
[s] Ibid. p. 203.
[t] Parl. Hiſt. vol. vii. p. 282. Ruſhworth, vol. v. p. 209.

gots

gots were enraged againſt the prelatical clergy; and both of them knew that no eſtabliſhed government could be overthrown by ſtrictly obſerving the principles of juſtice, equity, or clemency. The proceedings, therefore, of this famous committee, which continued for ſeveral years, were cruel and arbitrary, and made great havoc both on the church and the univerſities. They began with haraſſing, impriſoning, and moleſting the clergy; and ended with ſequeſtrating and ejecting them. In order to join contumely to cruelty, they gave the ſufferers the epithet of *ſcandalous*, and endeavoured to render them as odious as they were miſerable[u]. The greateſt vices, however, which they could reproach to a great part of them, were, bowing at the name of Jeſus, placing the communion table in the eaſt, reading the king's orders for ſports on Sunday, and other practices, which the eſtabliſhed government, both in church and ſtate, had ſtrictly enjoined them.

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It may be worth obſerving, that all hiſtorians, who lived near that age, or what perhaps is more deciſive, all authors, who have caſually made mention of thoſe public tranſactions, ſtill repreſent the civil diſorders and convulſions, as proceeding from religious controverſy, and conſider the political diſputes about power and liberty as entirely ſubordinate to the other. It is true, had the king been able to ſupport government, and at the ſame time to abſtain from all invaſion of national privileges, it ſeems not probable, that the puritans ever could have acquired ſuch authority as to overturn the whole conſtitution: Yet ſo entire was the ſubjection into which Charles was now fallen, that, had not the wound been poiſoned by the infuſion of theological hatred, it muſt have admitted of an eaſy remedy. Diſuſe of parliaments, impriſonments and proſecution of members, ſhip-money, an arbitrary adminiſtration; theſe

[u] Clarendon, vol. i. p. 199. Whitlocke, p. 122. May, p. 81.

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were loudly complained of: But the grievances which tended chiefly to inflame the parliament and nation, eſpecially the latter, were the ſurplice, the rails placed about the altar, the bows exacted on approaching it, the liturgy, the breach of the ſabbath, embroidered copes, lawn ſleeves, the uſe of the ring in marriage, and of the croſs in baptiſm. On account of theſe, were the popular leaders content to throw the government into ſuch violent convulſions; and, to the diſgrace of that age, and of this iſland, it muſt be acknowledged, that the diſorders in Scotland entirely, and thoſe in England moſtly, proceeded from ſo mean and contemptible an origin [w].

SOME perſons, partial to the patriots of this age, have ventured to put them in balance with the moſt illuſtrious characters of antiquity; and mentioned the names of Pym, Hambden, Vane, as a juſt parallel to thoſe of Cato, Brutus, Caſſius. Profound capacity, indeed, undaunted courage, extenſive enterprize; in theſe particulars, perhaps the Roman do not much ſurpaſs the Engliſh worthies: But what a difference, when the diſcourſe, conduct, converſation, and private as well as public behaviour, of both are inſpected! Compare only one circumſtance, and conſider its conſequences. The leiſure of thoſe noble ancients was totally employed in the ſtudy of Grecian eloquence and philoſophy; in the cultivation of polite letters and civilized ſociety: The whole diſcourſe and language of the moderns were polluted with myſterious jargon, and full of the loweſt and moſt vulgar hypocriſy.

[w] Lord Clarendon, vol. i. p. 233, ſays, that the parliamentary party were not agreed about the entire abolition of epiſcopacy: They were only the *root and branch men*, as they were called, who inſiſted on that meaſure. But thoſe who were willing to retain biſhops, inſiſted on reducing their authority to a low ebb; as well as on aboliſhing the ceremonies of worſhip and veſtments of the clergy. The controverſy, therefore, between the parties was almoſt wholly theological, and that of the moſt frivolous and ridiculous kind.

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THE laws, as they ſtood at preſent, protected the church, but they expoſed the catholics to the utmoſt rage of the puritans; and theſe unhappy religioniſts, ſo obnoxious to the prevailing ſect, could not hope to remain long unmoleſted. The voluntary contribution which they had made, in order to aſſiſt the king in his war againſt the Scottiſh covenanters, was enquired into, and repreſented as the greateſt enormity [x]. By an addreſs from the commons, all officers of that religion were removed from the army, and application was made to the king for ſeizing two thirds of the lands of recuſants; a proportion to which, by law, he was intitled, but which he had always allowed them to poſſeſs upon eaſy compoſitions. The execution of the ſevere and bloody laws againſt prieſts was inſiſted on: And one Goodman, a jeſuit, who was found in priſon, was condemned to a capital puniſhment. Charles, however, agreeably to his uſual principles, ſcrupled to ſign the warrant for his execution; and the commons expreſſed great reſentment on the occaſion [y]. There remains a ſingular petition of Goodman, begging to be hanged, rather than prove a ſource of contention between the king and his people [z]. He eſcaped with his life; but it ſeems more probable, that he was overlooked, amidſt affairs of greater conſequence, than that ſuch unrelenting hatred would be ſoftened by any conſideration of his courage and generoſity.

FOR ſome years, Con, a Scotchman; afterwards, Roſetti, an Italian, had openly reſided at London, and frequented the court, as veſted with a commiſſion from the Pope. The queen's zeal, and her authority with her huſband, had been the cauſe of this imprudence, ſo

x Ruſhworth, vol. v. p. 160. y Idem, ibid. p. 158, 159. Nalſon, vol. i. p. 739. z Ruſhworth, vol. v. p. 166. Nalſon, vol. i. p. 749.

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offenſive to the nation[a]. But the ſpirit of bigotry now roſe too high to permit any longer ſuch indulgences[b].

1640. HAYWARD, a juſtice of peace, having been wounded, when employed in the exerciſe of his office, by one James, a catholic madman, this enormity was aſcribed to the popery, not to the phrenzy, of the aſſaſſin; and great alarms ſeized the nation and parliament[c]. An univerſal conſpiracy of the papiſts was ſuppoſed to have taken place; and every man, for ſome days, imagined that he had a ſword at his throat. Though ſome perſons of family and diſtinction were ſtill attached to the catholic ſuperſtition; it is certain that the numbers of that ſect did not amount to the fortieth part of the nation: And the frequent panics to which men, during this period, were ſo ſubject on account of the catholics, were leſs the effects of fear, than of extreme rage and averſion entertained againſt them.

THE queen-mother of France, having been forced into baniſhment by ſome court-intrigues, had retired into England; and expected ſhelter, amidſt her preſent diſtreſſes, in the dominions of her daughter and ſon-in-law. But though ſhe behaved in the moſt inoffenſive manner, ſhe was inſulted by the populace on account of her religion; and was even threatened with worſe treatment. The earl of Holland, lieutenant of Middleſex, had ordered a hundred muſqueteers to guard her; but finding that they had imbibed the ſame prejudices with the reſt of

[a] It is now known from the Clarendon papers, that the king had alſo an authorized agent who reſided at Rome. His name was Bret, and his chief buſineſs was to negociate with the pope concerning indulgences to the catholics, and to engage the catholics, in return, to be good and loyal ſubjects. But this whole matter, though very innocent, was moſt carefully kept ſecret. The king ſays, that he believed Bret to be as much his as any papiſt could be. See p. 348. 354.

[b] Ruſhworth, vol. v. p. 301. [c] Clarendon, vol. i. p. 249. Ruſhworth, vol. v. p. 57.

their

their countrymen, and were unwillingly employed in such a service, he laid the case before the house of peers: For the king's authority was now entirely annihilated. He represented the indignity of the action, that so great a princess, mother to the king of France, and to the queens of Spain and England, should be affronted by the multitude. He observed the indelible reproach which would fall upon the nation, if that unfortunate queen should suffer any violence from the misguided zeal of the people. He urged the sacred rights of hospitality due to every one, much more to a person in distress, of so high a rank, with whom the nation was so nearly connected. The peers thought proper to communicate the matter to the commons, whose authority over the people was absolute. The commons agreed to the necessity of protecting the queen-mother; but at the same time prayed, that she might be desired to depart the kingdom; "For the quieting those jealousies in the hearts of his "majesty's well-affected subjects, occasioned by some ill "instruments about that queen's person, by the flowing "of priests and papists to her house, and by the use and "practice of the idolatry of the mass, and exercise of "other superstitious services of the Romish church, to "the great scandal of true religion[d]."

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CHARLES, in the former part of his reign, had endeavoured to overcome the intractable and encroaching spirit of the commons, by a perseverance in his own measures, by a stately dignity of behaviour, and by maintaining, at their utmost height, and even perhaps stretching beyond former precedent, the rights of his prerogative. Finding, by experience, how unsuccessful those measures had proved, and observing the low condition to which he was now reduced, he resolved to alter his whole conduct, and to regain the confidence of his people, by pliableness, by

[d] Rushworth, vol. v. p. 267.

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conceſſions, and by a total conformity to their inclinations and prejudices. It may ſafely be averred, that this new extreme into which the king, for want of proper counſel or ſupport, was fallen, became no leſs dangerous to the conſtitution, and pernicious to public peace, than the other, in which he had ſo long and ſo unfortunately perſevered.

Tonnage and poundage.

THE pretenſions with regard to tonnage and poundage were revived, and with certain aſſurance of ſucceſs by the commons[e]. The levying of theſe duties, as formerly, without conſent of parliament, and even increaſing them at pleaſure, was ſuch an incongruity in a free conſtitution, where the people, by their fundamental privileges, cannot be taxed but by their own conſent, as could no longer be endured by theſe jealous patrons of liberty. In the preamble, therefore, to the bill, by which the commons granted theſe duties to the king, they took care, in the ſtrongeſt and moſt poſitive terms, to aſſert their own right of beſtowing this gift, and to diveſt the crown of all independent title of aſſuming it. And that they might encreaſe, or rather finally fix, the entire dependence and ſubjection of the king, they voted theſe duties only for two months; and afterwards, from time to time, renewed their grant for very ſhort periods[f]. Charles, in order to ſhow that he entertained no intention ever again to ſeparate himſelf from his parliament,

[e] It appears not that the commons, though now entirely maſters, aboliſhed the new impoſitions of James, againſt which they had formerly ſo loudly complained: A certain proof that the rates of cuſtoms, ſettled by that prince, were in moſt inſtances juſt, and proportioned to the new price of commodities. They ſeem rather to have been low. See Journ. 10th Aug. 1625.

[f] It was an inſtruction given by the houſe to the committee which framed one of theſe bills, to take care that the rates upon exportation may be as light as poſſible; and upon importation, as heavy as trade will bear: A proof that the nature of commerce began now to be underſtood. Journ. 1 June, 1641.

paſſed

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passed this important bill, without any scruple or hesitation [g].

1640. Triennial bill.

With regard to the bill for triennial parliaments, he made a little difficulty. By an old statute, passed during the reign of Edward III. it had been enacted, that parliaments should be held once every year, or more frequently, if necessary: But as no provision had been made in case of failure, and no precise method pointed out for execution; this statute had been considered merely as a general declaration, and was dispensed with at pleasure. The defect was supplied by those vigilant patriots who now assumed the reins of government. It was enacted, that if the chancellor, who was first bound under severe penalties, failed to issue writs by the third of September in every third year, any twelve or more of the peers should be impowered to exert this authority: In default of the peers, that the sheriffs, mayors, bailiffs, &c. should summon the voters: And in their default, that the voters themselves should meet and proceed to the election of members, in the same manner as if writs had been regularly issued from the crown. Nor could the parliament, after it was assembled, be adjourned, prorogued, or dissolved, without their own consent, during the space of fifty days. By this bill, some of the noblest and most valuable prerogatives of the crown were retrenched; but at the same time, nothing could be more necessary than such a statute, for completing a regular plan of law and liberty. A great reluctance to assemble parliaments must be expected in the king; where these assemblies, as of late, establish it as a maxim to carry their scrutiny into every part of government. During long intermissions of parliament, grievances and abuses, as was found by recent experience, would naturally creep in; and it would even become necessary for the king and council to exert a

[g] Clarendon, vol. i. p. 298.

great

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great discretionary authority, and, by acts of state, to supply, in every emergence, the legislative power, whose meeting was so uncertain and precarious. Charles, finding that nothing less would satisfy his parliament and people, at last gave his assent to this bill, which produced so great an innovation in the constitution[h]. Solemn thanks were presented him by both houses. Great rejoicings were expressed both in the city and throughout the nation. And mighty professions were every-where made of gratitude and mutual returns of supply and confidence. This concession of the king, it must be owned, was not entirely voluntary: It was of a nature too important to be voluntary. The sole inference, which his partizans were entitled to draw from the submissions so frankly made to present necessity, was, that he had certainly adopted a new plan of government, and for the future, was resolved, by every indulgence, to acquire the confidence and affections of his people.

CHARLES thought, that what concessions were made to the public were of little consequence, if no gratifications were bestowed on individuals, who had acquired the direction of public counsels and determinations. A change of ministers, as well as of measures, was therefore resolved on. In one day several new privy-counsellors were sworn; the earls of Hertford, Bedford, Essex, Bristol; the lords Say, Saville, Kimbolton: Within a few days after, was admitted the earl of Warwic[i]. All these noblemen were of the popular party; and some of them afterwards, when matters were pushed to extremities by the commons, proved the greatest support of monarchy.

JUXON, bishop of London, who had never desired the treasurer's staff, now earnestly solicited for leave to resign

[h] Clarendon, vol. i. p. 209. Whitlocke, p. 39. Rushworth, vol. v. p. 189. [i] Clarendon, vol. i. p. 195.

it,

it, and retire to the care of that turbulent dioceſe, committed to him. The king gave his conſent; and it is remarkable, that, during all the ſevere enquiries carried on againſt the conduct of miniſters and prelates, the mild and prudent virtues of this man, who bore both theſe invidious characters, remained unmoleſted[k]. It was intended, that Bedford, a popular man, of great authority, as well as wiſdom and moderation, ſhould ſucceed Juxon: But that nobleman, unfortunately both for king and people, died about this very time. By ſome promotions, place was made for St. John, who was created ſolicitor-general. Hollis was to be made ſecretary of ſtate, in the room of Windebank, who had fled: Pym, chancellor of the exchequer, in the room of lord Cottington, who had reſigned: Lord Say, maſter of the wards, in the room of the ſame nobleman: The earl of Eſſex, governor; and Hambden, tutor to the prince[l]. CHAP. LIV. 1640.

WHAT retarded the execution of theſe projected changes, was the difficulty of ſatisfying all thoſe, who from their activity and authority in parliament, had pretenſions for offices, and who ſtill had it in their power to embarraſs and diſtreſs the public meaſures. Their aſſociates too in popularity, whom the king intended to diſtinguiſh by his favour, were unwilling to undergo the reproach of having driven a ſeparate bargain, and of ſacrificing to their own ambitious views, the cauſe of the nation. And as they were ſenſible that they muſt owe their preferment entirely to their weight and conſideration in parliament, they were moſt of them reſolved ſtill to adhere to that aſſembly, and both to promote its authority, and to preſerve their own credit in it. On all occaſions, they had no other advice to give the king, than to allow himſelf to be directed by his great council; or, in other words, to reſign himſelf paſſively to their

[k] Warwick, p. 95. [l] Clarendon, vol. i. p. 210, 211.

guidance

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guidance and government. And Charles found, that, inſtead of acquiring friends by the honours and offices which he ſhould beſtow, he ſhould only arm his enemies with more power to hurt him.

THE end on which the king was moſt intent in changing miniſters, was, to ſave the life of the earl of Strafford, and to mollify, by theſe indulgences, the rage of his moſt furious proſecutors. But ſo high was that nobleman's reputation for experience and capacity, that all the new counſellors and intended miniſters plainly ſaw, that, if he eſcaped their vengeance, he muſt return into favour and authority; and they regarded his death as the only ſecurity which they could have, both for the eſtabliſhment of their preſent power, and for ſucceſs in their future enterprizes. His impeachment, therefore, was puſhed on with the utmoſt vigour; and, after long and ſolemn preparations, was brought to a final iſſue.

Strafford's trial.

IMMEDIATELY after Strafford was ſequeſtered from parliament, and confined in the Tower, a committee of thirteen was choſen by the lower houſe, and entruſted with the office of preparing a charge againſt him. Theſe, joined to a ſmall committee of lords, were veſted with authority to examine all witneſſes, to call for every paper, and to uſe any means of ſcrutiny, with regard to any part of the earl's behaviour and conduct[m]. After ſo general and unbounded an inquiſition, exerciſed by ſuch powerful and implacable enemies; a man muſt have been very cautious or very innocent, not to afford, during the whole courſe of his life, ſome matter of accuſation againſt him.

THIS committee, by direction from both houſes, took an oath of ſecrecy; a practice very unuſual, and which gave them the appearance of conſpirators, more than miniſters of juſtice[n]. But the intention of this ſtrictneſs

[m] Clarendon, vol. i. p. 192. [n] Whitlocke, p. 37.

was

was to render it more difficult for the earl to elude their search, or prepare for his justification.

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APPLICATION was made to the king, that he would allow this committee to examine privy-counsellors with regard to opinions delivered at the board: A concession which Charles unwarily made, and which thenceforth banished all mutual confidence from the deliberations of council; where every man is supposed to have entire freedom, without fear of future punishment or enquiry, of proposing any expedient, questioning any opinion, or supporting any argument[o].

SIR George Ratcliffe, the earl's intimate friend and confident, was accused of high treason, sent for from Ireland, and committed to close custody. As no charge ever appeared or was prosecuted against him, it is impossible to give a more charitable interpretation to this measure, than that the commons thereby intended to deprive Strafford, in his present distress, of the assistance of his best friend, who was most enabled, by his testimony, to justify the innocence of his patron's conduct and behaviour[p].

WHEN intelligence arrived in Ireland of the plans laid for Strafford's ruin, the Irish house of commons, though they had very lately bestowed ample praises on his administration, entered into all the violent counsels against him, and prepared a representation of the miserable state, into which, by his misconduct, they supposed the kingdom to be fallen. They sent over a committee to London, to assist in the prosecution of their unfortunate governor; and by intimations from this committee, who entered into close confederacy with the popular leaders in England, was every measure of the Irish parliament governed and directed. Impeachments, which were never prosecuted, were carried up against Sir Richard Bolton

[o] Clarendon, vol. i. p. 193. [p] Idem, vol. i. p. 214.

the

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1640. the chancellor, Sir Gerard Louther chief juſtice, and Bramhall biſhop of Derry[q]. This ſtep, which was an exact counterpart to the proceedings in England, ſerved alſo the ſame purpoſes: It deprived the king of the miniſters whom he moſt truſted; it diſcouraged and terrified all the other miniſters; and it prevented thoſe perſons, who were beſt acquainted with Strafford's counſels, from giving evidence in his favour before the Engliſh parliament.

1641. THE biſhops, being forbidden by the ancient canons to aſſiſt in trials for life, and being unwilling, by any oppoſition, to irritate the commons, who were already much prejudiced againſt them, thought proper, of themſelves, to withdraw[r]. The commons alſo voted, that the new-created peers ought to have no voice in this trial; becauſe the accuſation being agreed to, while they were commoners, their conſent to it was implied with that of all the commons of England. Notwithſtanding this deciſion, which was meant only to deprive Strafford of ſo many friends, lord Seymour, and ſome others, ſtill continued to keep their ſeat; nor was their right to it any farther queſtioned[s].

To beſtow the greater ſolemnity on this important trial, ſcaffolds were erected in Weſtminſter-hall; where both houſes ſat, the one as accuſers, the other as judges. Beſides the chair of ſtate, a cloſe gallery was prepared for the king and queen, who attended during the whole trial[t].

AN accuſation, carried on by the united effort of three kingdoms, againſt one man, unprotected by power, unaſſiſted by counſel, diſcountenanced by authority, was

[q] Ruſh. vol. v. p. 214.
[r] Clarendon, vol. i. p. 216.
[s] Idem, ibid.
[t] Whitlocke, p. 40. Ruſh. vol. iv. p. 41. May, p. 90.

likely

likely to prove a very unequal conteſt: Yet ſuch were the capacity, genius, preſence of mind, diſplayed by this magnanimous ſtateſman, that while argument and reaſon and law had any place, he obtained an undiſputed victory. And he periſhed at laſt, overwhelmed and ſtill unſubdued, by the open violence of his fierce and unrelenting antagoniſts. CHAP. LIV. 1641.

THE articles of impeachment againſt Strafford are twenty-eight in number; and regard his conduct, as preſident of the council of York, as deputy or lieutenant of Ireland, and as counſellor or commander in England. But though four months were employed by the managers in framing the accuſation, and all Strafford's anſwers were extemporary; it appears from compariſon, not only that he was free from the crime of treaſon, of which there is not the leaſt appearance, but that his conduct, making allowance for human infirmities, expoſed to ſuch ſevere ſcrutiny, was innocent, and even laudable. March 22.

THE powers of the northern council, while he was preſident, had been extended, by the king's inſtructions, beyond what formerly had been practiſed: But that court being, at firſt, inſtituted by a ſtretch of royal prerogative, it had been uſual for the prince to vary his inſtructions; and the largeſt authority, committed to it, was altogether as legal as the moſt moderate and moſt limited. Nor was it reaſonable to conclude, that Strafford had uſed any art to procure thoſe extenſive powers; ſince he never once ſat as preſident, or exerciſed one act of juriſdiction, after he was inveſted with the authority ſo much complained of[u].

IN the government of Ireland, his adminiſtration had been equally promotive of his maſter's intereſts, and that of the ſubjects committed to his care. A large debt he had paid off: He had left a conſiderable ſum in the ex-

[u] Ruſhworth, vol. iv. p. 145.

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chequer: The revenue, which never before anſwered the charges of government, was now raiſed to be equal to them[w]. A ſmall ſtanding army, formerly kept in no order, was augmented, and was governed by exact diſcipline: And a great force was there raiſed and paid, for the ſupport of the king's authority againſt the Scottiſh covenanters.

INDUSTRY, and all the arts of peace, were introduced among that rude people: The ſhipping of the kingdom augmented a hundred fold[x]: The cuſtoms tripled upon the ſame rates[y]: The exports double in value to the imports: Manufactures, particularly that of linen, introduced and promoted[z]. Agriculture, by means of the Engliſh and Scottiſh plantations, gradually advancing: The proteſtant religion encouraged, without the perſecution or diſcontent of the catholics.

THE ſprings of authority he had enforced without overſtraining them. Diſcretionary acts of juriſdiction, indeed, he had often exerted, by holding courts-martial, billetting ſoldiers, deciding cauſes upon paper-petitions before the council, iſſuing proclamations, and puniſhing their infraction. But diſcretionary authority, during that age, was uſually exerciſed even in England. In Ireland, it was ſtill more requiſite, among a rude people, not yet thoroughly ſubdued, averſe to the religion and manners of their conquerors, ready on all occaſions to relapſe into rebellion and diſorder. While the managers of the commons demanded every moment, that the deputy's conduct ſhould be examined by the line of rigid law and ſevere principles; he appealed ſtill to the practice of all former deputies, and to the uncontroulable neceſſity of his ſituation.

[w] Ruſh. vol. iv. p. 120. 247. Warwick, p. 115. [x] Naſſon, vol. ii. p. 45. [y] Ruſh. vol. iv. p. 124. [z] Warwick, p. 115.

So

So great was his art of managing elections, and balancing parties, that he had engaged the Iriſh parliament to vote whatever was neceſſary, both for the payment of former debts, and for ſupport of the new-levied army; nor had he ever been reduced to the illegal expedients practiſed in England, for the ſupply of public neceſſities. No imputation of rapacity could juſtly lie againſt his adminiſtration. Some inſtances of imperious expreſſions, and even actions, may be met with. The caſe of lord Mountnorris, of all thoſe which were collected with ſo much induſtry, is the moſt flagrant and the leaſt excuſable. CHAP. LIV. 1641.

It had been reported at the table of lord chancellor Loftus, that Anneſley, one of the deputy's attendants, in moving a ſtool, had ſorely hurt his maſter's foot, who was at that time afflicted with the gout. *Perhaps*, ſaid Mountnorris, who was preſent at table, *it was done in revenge of that public affront which my lord deputy formerly put upon him:* BUT HE HAS A BROTHER, WHO WOULD NOT HAVE TAKEN SUCH A REVENGE. This caſual, and ſeemingly innocent, at leaſt ambiguous, expreſſion, was reported to Strafford; who, on pretence that ſuch a ſuggeſtion might prompt Anneſley to avenge himſelf in another manner, ordered Mountnorris, who was an officer, to be tried by a court-martial for mutiny and ſedition againſt his general. The court, which conſiſted of the chief officers of the army, found the crime to be capital, and condemned that nobleman to loſe his head[a].

In vain did Strafford plead, in his own defence, againſt this article of impeachment, that the ſentence of Mountnorris was the deed, and that too unanimous, of the court, not the act of the deputy; that he ſpake not to a member of the court, nor voted in the cauſe, but ſat uncovered as a party, and then immediately withdrew, to

[a] Ruſh. vol. iv. p. 187.

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leave them to their freedom; that, ſenſible of the iniquity of the ſentence, he procured his majeſty's free pardon to Mountnorris; and that he did not even keep that nobleman a moment in ſuſpence with regard to his fate, but inſtantly told him, that he himſelf would ſooner loſe his right hand than execute ſuch a ſentence, nor was his lordſhip's life in any danger. In vain did Strafford's friends add, as a further apology, that Mountnorris was a man of an infamous character, who paid court, by the loweſt adulation, to all deputies, while preſent; and blackened their character, by the vileſt calumnies, when recalled: And that Strafford, expecting like treatment, had uſed this expedient for no other purpoſe than to ſubdue the petulant ſpirit of the man. Theſe excuſes alleviate the guilt; but there ſtill remains enough to prove, that the mind of the deputy, though great and firm, had been not a little debauched by the riot of abſolute power, and uncontrouled authority.

When Strafford was called over to England, he found every thing falling into ſuch confuſion, by the open rebellion of the Scots, and the ſecret diſcontents of the Engliſh, that, if he had counſelled or executed any violent meaſure, he might perhaps have been able to apologize for his conduct, from the great law of neceſſity, which admits not, while the neceſſity is extreme, of any ſcruple, ceremony, or delay[b]. But in fact, no illegal advice or action was proved againſt him; and the whole amount of his guilt, during this period, was ſome peeviſh, or at moſt imperious, expreſſions, which, amidſt ſuch deſperate extremities, and during a bad ſtate of health, had unhappily fallen from him.

If Strafford's apology was, in the main, ſo ſatisfactory, when he pleaded to each particular article of the charge, his victory was ſtill more deciſive, when he

[b] Ruſh. vol. iv. p. 559.

brought

brought the whole together, and repelled the imputation of treaſon; the crime which the commons would infer from the full view of his conduct and behaviour. Of all ſpecies of guilt, the law of England had, with the moſt ſcrupulous exactneſs, defined that of treaſon; becauſe on that ſide it was found moſt neceſſary to protect the ſubject againſt the violence of the king and of his miniſters. In the famous ſtatute of Edward III. all the kinds of treaſon are enumerated, and every other crime, beſides ſuch as are there expreſsly mentioned, is carefully excluded from that appellation. But with regard to this guilt, *An endeavour to ſubvert the fundamental laws*, the ſtatute of treaſons is totally ſilent: And arbitrarily to introduce it into the fatal catalogue, is itſelf a ſubverſion of all law; and, under colour of defending liberty, reverſes a ſtatute the beſt calculated for the ſecurity of liberty, that had ever been enacted by an Engliſh parliament. CHAP. LIV. 1641.

As this ſpecies of treaſon, diſcovered by the commons, is entirely new and unknown to the laws; ſo is the ſpecies of proof by which they pretend to fix that guilt upon the priſoner. They have invented a kind of *accumulative* or *conſtructive* evidence, by which many actions, either totally innocent in themſelves, or criminal in a much inferior degree, ſhall, when united, amount to treaſon, and ſubject the perſon to the higheſt penalties inflicted by the law. A haſty and unguarded word, a raſh and paſſionate action, aſſiſted by the malevolent fancy of the accuſer, and tortured by doubtful conſtructions, is tranſmuted into the deepeſt guilt; and the lives and fortunes of the whole nation, no longer protected by juſtice, are ſubjected to arbitrary will and pleaſure.

"WHERE has this ſpecies of guilt lain ſo long "concealed?" ſaid Strafford in concluſion: "Where "has this fire been ſo long buried, during ſo many cen-

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" turies, that no ſmoke ſhould appear till it burſt out " at once, to conſume me and my children? Better it " were to live under no law at all, and, by the maxims " of cautious prudence, to conform ourſelves, the beſt " we can, to the arbitrary will of a maſter; than fancy " we have a law on which we can rely, and find at laſt, " that this law ſhall inflict a puniſhment precedent to " the promulgation, and try us by maxims unheard of " till the very moment of the proſecution. If I fail on " the Thames, and ſplit my veſſel on an anchor; in caſe " there be no buoy to give warning, the party ſhall pay " me damages: But, if the anchor be marked out, then " is the ſtriking on it at my own peril. Where is the " mark ſet upon this crime? Where the token by which " I ſhould diſcover it? It has lain concealed, under " water; and no human prudence, no human innocence, " could ſave me from the deſtruction with which I am " at preſent threatened.

" It is now full two hundred and forty years ſince " treaſons were defined; and ſo long has it been ſince " any man was touched to this extent, upon this crime, " before myſelf. We have lived, my lords, happily to " ourſelves at home: We have lived gloriouſly abroad " to the world: Let us be content with what our fathers " have left us: Let not our ambition carry us to be more " learned than they were, in theſe killing and deſtructive " arts. Great wiſdom it will be in your lordſhips, and " juſt providence, for yourſelves, for your poſterities, " for the whole kingdom, to caſt from you, into the " fire, theſe bloody and myſterious volumes of arbitrary " and conſtructive treaſons, as the primitive Chriſtians " did their books of curious arts, and betake yourſelves " to the plain letter of the ſtatute, which tells you where " the crime is, and points out to you the path by which " you may avoid it.

" Let

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" LET us not, to our own deſtruction, awake thoſe " ſleeping lions, by rattling up a company of old records, " which have lain for ſo many ages, by the wall, for- " gotten and neglected. To all my afflictions, add not " this, my lords, the moſt ſevere of any; that I, for my " other ſins, not for my treaſons, be the means of intro- " ducing a precedent, ſo pernicious to the laws and " liberties of my native country.

" HOWEVER theſe gentlemen at the bar ſay they ſpeak " for the commonwealth; and they believe ſo: Yet, " under favour, it is I who, in this particular, ſpeak " for the commonwealth. Precedents, like thoſe which " are endeavoured to be eſtabliſhed againſt me, muſt " draw along ſuch inconveniences and miſeries, that, " in a few years, the kingdom will be in the condition " expreſſed in a ſtatute of Henry IV.; and no man ſhall " know by what rule to govern his words and actions.

" IMPOSE not, my lords, difficulties inſurmountable " upon miniſters of ſtate, nor diſable them from ſerving " with cheerfulneſs their king and country. If you ex- " amine them, and under ſuch ſevere penalties, by every " grain, by every little weight; the ſcrutiny will be in- " tolerable. The public affairs of the kingdom muſt be " left waſte; and no wiſe man, who has any honour or " fortune to loſe, will ever engage himſelf in ſuch dread- " ful, ſuch unknown perils.

" MY lords, I have now troubled your lordſhips a " great deal longer than I ſhould have done. Were it " not for the intereſt of theſe pledges, which a ſaint in " heaven left me, I ſhould be loth"—Here he pointed to his children, and his weeping ſtopped him—" What I " forfeit for myſelf, it is nothing: But, I confeſs, that " my indiſcretion ſhould forfeit for them, it wounds me " very deeply. You will be pleaſed to pardon my infir-

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" mity: Something I ſhould have ſaid; but I ſee I ſhall " not be able, and therefore I ſhall leave it.

" AND now, my lords, I thank God, I have been, " by his bleſſing, ſufficiently inſtructed in the extreme " vanity of all temporary enjoyments, compared to the " importance of our eternal duration. And ſo, my " lords, even ſo, with all humility, and with all tran- " quillity of mind, I ſubmit, clearly and freely, to your " judgments: And whether that righteous doom ſhall be " to life or death, I ſhall repoſe myſelf, full of gratitude " and confidence, in the arms of the great Author of my " exiſtence [c]."

CERTAINLY, ſays Whitlocke [d], with his uſual candor, *never any man acted ſuch a part, on ſuch a theatre, with more wiſdom, conſtancy, and eloquence, with greater reaſon, judgment, and temper, and with a better grace in all his words and actions, than did this great and excellent perſon; and he moved the hearts of all his auditors, ſome few excepted, to remorſe and pity.* It is remarkable, that the hiſtorian, who expreſſes himſelf in theſe terms, was himſelf chairman of that committee, which conducted the impeachment againſt this unfortunate ſtateſman. The accuſation and defence laſted eighteen days. The managers divided the ſeveral articles among them, and attacked the priſoner with all the weight of authority, with all the vehemence of rhetoric, with all the accuracy of long preparation. Strafford was obliged to ſpeak with deference and reſerve towards his moſt inveterate enemies, the commons, the Scottiſh nation, and the Iriſh parliament. He took only a very ſhort time, on each article, to recollect himſelf: Yet he alone, without aſſiſtance, mixing modeſty and humility with firmneſs and vigour, made ſuch a defence

[c] Ruſh. vol. iv. p. 659, &c. [d] Page 41.

that

that the commons ſaw it impoſſible, by a legal proſecution, ever to obtain a ſentence againſt him. CHAP. LIV. 1641.

BUT the death of Strafford was too important a ſtroke of party to be left unattempted by any expedient, however extraordinary. Beſides the great genius and authority of that miniſter, he had threatened ſome of the popular leaders with an impeachment; and, had he not, himſelf, been ſuddenly prevented by the impeachment of the commons, he had, that very day, it was thought, charged Pym, Hambden, and others, with treaſon, for having invited the Scots to invade England. A bill of attainder was therefore brought into the lower houſe immediately after finiſhing theſe pleadings; and preparatory to it, a new proof of the earl's guilt was produced, in order to remove ſuch ſcruples as might be entertained with regard to a method of proceeding ſo unuſual and irregular.

SIR Henry Vane, ſecretary, had taken ſome notes of a debate in council, after the diſſolution of the laſt parliament; and being at a diſtance, he had ſent the keys of his cabinet, as was pretended, to his ſon, Sir Henry, in order to ſearch for ſome papers, which were neceſſary for completing a marriage-ſettlement. Young Vane, falling upon this paper of notes, deemed the matter of the utmoſt importance; and immediately communicated it to Pym, who now produced the paper before the houſe of commons. The queſtion before the council was: *Offenſive or defenſive war with the Scots.* The king propoſes this difficulty, "But how can I undertake offen-"ſive war, if I have no more money?" The anſwer aſcribed to Strafford was in theſe words: "Borrow of "the city a hundred thouſand pounds: Go on vigorouſly "to levy ſhip-money. Your majeſty having tried the "affections of your people, you are abſolved and looſe "from all rules of government, and may do what power

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" will admit. Your majeſty, having tried all ways, " ſhall be acquitted before God and man. And you " have an army in Ireland, which you may employ to " reduce THIS kingdom to obedience: For I am confi- " dent the Scots cannot hold out five months." There followed ſome counſels of Laud and Cottington, equally violent, with regard to the king's being abſolved from all rules of government [e].

THIS paper, with all the circumſtances of its diſcovery and communication, was pretended to be equivalent to two witneſſes, and to be an unanſwerable proof of thoſe pernicious counſels of Strafford, which tended to the ſubverſion of the laws and conſtitution. It was replied by Strafford and his friends, That old Vane was his moſt inveterate and declared enemy; and if the ſecretary himſelf, as was by far moſt probable, had willingly delivered to his ſon this paper of notes, to be communicated to Pym, this implied ſuch a breach of oaths and of truſt as rendered him totally unworthy of all credit: That the ſecretary's depoſition was at firſt exceedingly dubious: Upon two examinations, he could not remember any ſuch words: Even the third time, his teſtimony was not poſitive, but imported only, that Strafford had ſpoken ſuch or ſuch-like words: And words may be very like in ſound, and differ much in ſenſe; nor ought the lives of men to depend upon grammatical criticiſms of any expreſſions, much leſs of thoſe which had been delivered by the ſpeaker without premeditation, and committed by the hearer for any time, however ſhort, to the uncertain record of memory. That, in the preſent caſe, changing *This kingdom* into *That kingdom*, a very ſlight alteration! the earl's diſcourſe could regard nothing but Scotland, and implies no advice unworthy of an Engliſh counſellor,

[e] Clarendon, vol. i. p. 223. 229, 230, &c. Whitlocke, p. 41. May, p. 93.

That

That even retaining the expreſſion, *This kingdom*, the words may fairly be underſtood of Scotland, which alone was the kingdom that the debate regarded, and which alone had thrown off allegiance, and could be reduced to obedience. That it could be proved, as well by the evidence of all the king's miniſters, as by the known diſpoſition of the forces, that the intention never was to land the Iriſh army in England, but in Scotland. That of ſix other counſellors preſent, Laud and Windebank could give no evidence; Northumberland, Hamilton, Cottington, and Juxon, could recollect no ſuch expreſſion; and the advice was too remarkable to be eaſily forgotten. That it was nowiſe probable ſuch a deſperate counſel would be openly delivered at the board, and before Northumberland, a perſon of that high rank, and whoſe attachments to the court were ſo much weaker than his connections with the country. That though Northumberland, and he alone, had recollected ſome ſuch expreſſion as that *Of being abſolved from rules of government*, yet, in ſuch deſperate extremities as thoſe into which the king and kingdom were then fallen, a maxim of that nature, allowing it to be delivered by Strafford, may be defended, upon principles the moſt favourable to law and liberty. And that nothing could be more iniquitous, than to extract an accuſation of treaſon from an opinion ſimply propoſed at the council-table, where all freedom of debate ought to be permitted, and where it was not unuſual for the members, in order to draw forth the ſentiments of others, to propoſe counſels very remote from their own ſecret advice and judgment[f].

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THE evidence of Secretary Vane, though expoſed to ſuch unſurmountable objections, was the real cauſe of Strafford's unhappy fate; and made the bill of attainder paſs the commons with no greater oppoſition than that of

Bill of attainder.

[f] Ruſhworth, vol. iv. p. 560.

fifty-

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fifty-nine diſſenting votes. But there remained two other branches of the legiſlature, the king and the lords, whoſe aſſent was requiſite; and theſe, if left to their free judgment, it was eaſily foreſeen, would reject the bill without ſcruple or deliberation. To overcome this difficulty, the popular leaders employed expedients, for which they were beholden, partly to their own induſtry, partly to the indiſcretion of their adverſaries.

NEXT Sunday after the bill paſſed the commons, the puritanical pulpits reſounded with declamations concerning the neceſſity of executing juſtice upon great delinquents[g]. The populace took the alarm. About ſix thouſand men, armed with ſwords and cudgels, flocked from the city, and ſurrounded the houſes of parliament[h]. The names of the fifty-nine commoners who had voted againſt the bill of attainder were poſted up under the title of *Straffordians, and betrayers of their country.* Theſe were expoſed to all the inſults of the ungovernable multitude. When any of the lords paſſed, the cry for *Juſtice* againſt Strafford reſounded in their ears: And ſuch as were ſuſpected of friendſhip to that obnoxious miniſter, were ſure to meet with menaces, not unaccompanied with ſymptoms of the moſt deſperate reſolutions in the furious populace[i].

COMPLAINTS in the houſe of commons being made againſt theſe violences as the moſt flagrant breach of privilege, the ruling members, by their affected coolneſs and indifference, ſhowed plainly that the popular tumults were not diſagreeable to them[k]. But a new diſcovery, made about this time, ſerved to throw every thing into ſtill greater flame and combuſtion.

SOME principal officers, Piercy, Jermyn, O'Neale, Goring, Wilmot, Pollard, Aſhburnham, partly attached

g Whitlocke, p. 43. h Idem, ibid. i Clarendon, vol. i. p. 232. 256. Ruſh. vol. v. p. 248. 1279. k Whitlocke, ut ſupra.

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to the court, partly diſguſted with the parliament, had formed a plan of engaging into the king's ſervice the Engliſh army, whom they obſerved to be diſpleaſed at ſome marks of preference given by the commons to the Scots. For this purpoſe, they entered into an aſſociation, took an oath of ſecrecy, and kept a cloſe correſpondence with ſome of the king's ſervants. The form of a petition to the king and parliament was concerted; and it was intended to get this petition ſubſcribed by the army. The petitioners there repreſent the great and unexampled conceſſions made by the king for the ſecurity of public peace and liberty; the endleſs demands of certain inſatiable and turbulent ſpirits, whom nothing leſs will content than a total ſubverſion of the ancient conſtitution; the frequent tumults which theſe factious malcontents had excited, and which endangered the liberty of parliament. To prevent theſe miſchiefs, the army offered to come up and guard that aſſembly. "So ſhall "the nation," as they expreſs themſelves in the concluſion, "not only be vindicated from preceding inno- "vations, but be ſecured from the future, which are "threatened, and which are likely to produce more dan- "gerous effects than the former[1]." The draught of this petition being conveyed to the king, he was prevailed on, ſomewhat imprudently, to counterſign it himſelf, as a mark of his approbation. But, as ſeveral difficulties occurred, the project was laid aſide two months before any public diſcovery was made of it.

It was Goring who betrayed the ſecret to the popular leaders. The alarm may eaſily be imagined which this intelligence conveyed. Petitions from the military to the civil power are always looked on as diſguiſed, or rather undiſguiſed commands; and are of a nature widely different from petitions preſented by any other rank of men.

[1] Clarendon, vol. i. p. 247. Whitlocke, p. 43.

Pym

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Pym opened the matter in the houſe[m]. On the firſt intimation of a diſcovery, Piercy concealed himſelf, and Jermyn withdrew beyond ſea. This farther confirmed the ſuſpicion of a dangerous conſpiracy. Goring delivered his evidence before the houſe: Piercy wrote a letter to his brother Northumberland, confeſſing moſt of the particulars[n]. Both their teſtimonies agree with regard to the oath of ſecrecy; and as this circumſtance had been denied by Pollard, Aſhburnham, and Wilmot, in all their examinations, it was regarded as a new proof of ſome deſperate reſolutions which had been taken.

To convey more quickly the terror and indignation at this plot, the commons voted, that a proteſtation ſhould be ſigned by all the members. It was ſent up to the lords, and ſigned by all of them, except Southampton and Robarts. Orders were given by the commons alone, without other authority, that it ſhould be ſubſcribed by the whole nation. The proteſtation was in itſelf very inoffenſive, even inſignificant; and contained nothing but general declarations, that the ſubſcribers would defend their religion and liberties[o]. But it tended to encreaſe the popular panic, and intimated, what was more expreſsly declared, in the preamble, that theſe bleſſings were now expoſed to the utmoſt peril.

ALARMS were every day given of new conſpiracies[p]; In Lancaſhire, great multitudes of papiſts were aſſembling: Secret meetings were held by them in caves and under-ground in Surrey: They had entered into a plot to blow up the river with gun-powder, in order to drown the city[q]: Proviſions of arms were making beyond ſea: Sometimes France, ſometimes Denmark, was forming deſigns againſt the kingdom: And the populace, who

[m] Ruſh. vol. v. p. 240. [n] Idem, ibid. p. 255.
[o] Clarendon, vol. i. p. 252. Ruſh. vol. v. p. 241. Warwick, p. 180.
[p] Dugdale, p. 69. Franklyn, p. 901. [q] Sir Edw. Walker, p. 349.

are

are always terrified with preſent, and enraged with diſtant dangers, were ſtill farther animated in their demands of juſtice againſt the unfortunate Strafford. CHAP. LIV. 1641.

THE king came to the houſe of lords: And though he expreſſed his reſolution, for which he offered them any ſecurity, never again to employ Strafford in any branch of public buſineſs, he profeſſed himſelf totally diſſatisfied with regard to the circumſtance of treaſon, and on that account declared his difficulty in giving his aſſent to the bill of attainder[r]. The commons took fire, and voted it a breach of privilege for the king to take notice of any bill depending before the houſes. Charles did not perceive that his attachment to Strafford was the chief motive for the bill; and that the greater proofs he gave of anxious concern for this miniſter, the more inevitable did he render his deſtruction.

ABOUT eighty peers had conſtantly attended Strafford's trial; but ſuch apprehenſions were entertained on account of the popular tumults, that only forty-five were preſent when the bill of attainder was brought into the houſe. Yet of theſe, nineteen had the courage to vote againſt it[s]. A certain proof, that, if entire freedom had been allowed, the bill had been rejected by a great majority.

IN carrying up the bill to the lords, St. John, the ſolicitor-general, advanced two topics, well ſuited to the fury of the times; that though the teſtimony againſt Strafford were not clear, yet, in this way of bill, private ſatisfaction to each man's conſcience was ſufficient, even ſhould no evidence at all be produced; and that the earl had no title to plead law, becauſe he had broken the law. It is true, added he, we give law to hares and deer; for they are beaſts of chace. But it was never accounted either cruel or unfair to deſtroy foxes or

[r] Ruſhworth, vol. v. p. 239. [s] Whitlocke, p. 43.

wolves,

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wolves, wherever they can be found; for they are beaſts of prey[t].

AFTER popular violence had prevailed over the lords, the ſame battery was next applied to force the king's aſſent. The populace flocked about Whitehall, and accompanied their demand of juſtice with the loudeſt clamours, and moſt open menaces. Rumours of conſpiracies againſt the parliament were anew ſpread abroad: Invaſions and inſurrections talked of: And the whole nation was raiſed into ſuch a ferment, as threatened ſome great and imminent convulſion. On whichever ſide the king caſt his eyes, he ſaw no reſource or ſecurity. All his ſervants, conſulting their own ſafety, rather than their maſter's honour, declined interpoſing with their advice between him and his parliament. The queen, terrified with the appearance of ſo mighty a danger, and bearing formerly no good-will to Strafford, was in tears, and preſſed him to ſatisfy his people in this demand, which, it was hoped, would finally content them. Juxon alone, whoſe courage was not inferior to his other virtues, ventured to adviſe him, if, in his conſcience, he did not approve of the bill, by no means to aſſent to it[u].

STRAFFORD, hearing of Charles's irreſolution and anxiety, took a very extraordinary ſtep: He wrote a letter, in which he entreated the king, for the ſake of public peace, to put an end to his unfortunate, however innocent, life, and to quiet the tumultuous people by granting them the requeſt for which they were ſo importunate[w]. "In this," added he, "my conſent will "more acquit you to God than all the world can do be- "ſides. To a willing man there is no injury. And as, "by God's grace, I forgive all the world with a calm- "neſs and meekneſs, of infinite contentment to my

[t] Clarendon, vol. i. p. 232. [u] Ibid. p. 257. Warwick, p. 160.
[w] Clarendon, vol i. p. 258. Ruſh. vol. v. p. 251.

"diſlodging ſoul; ſo, Sir, to you I can reſign the life "of this world with all imaginable cheerfulneſs, in the "juſt acknowledgment of your exceeding favours." Perhaps, Strafford hoped, that this unuſual inſtance of generoſity would engage the king ſtill more ſtrenuouſly to protect him: Perhaps he gave his life for loſt; and finding himſelf in the hands of his enemies, and obſerving that Balfour, the lieutenant of the Tower, was devoted to the popular party[x], he abſolutely deſpaired of ever eſcaping the multiplied dangers with which he was every way environed. We might aſcribe this ſtep to a noble effort of diſintereſtedneſs, not unworthy the great mind of Strafford, if the meaſure which he adviſed had not been, in the event, as pernicious to his maſter, as it was immediately fatal to himſelf[y].

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AFTER the moſt violent anxiety and doubt, Charles at laſt granted a commiſſion to four noblemen to give the royal aſſent, in his name, to the bill: Flattering himſelf, probably, in this extremity of diſtreſs, that, as neither his will conſented to the deed, nor was his hand immediately engaged in it, he was the more free from all the guilt which attended it. Theſe commiſſioners he empowered, at the ſame time, to give his aſſent to the bill which rendered the parliament perpetual.

THE commons, from policy, rather than neceſſity, had embraced the expedient of paying the two armies by borrowing money from the city; and theſe loans they had repaid afterwards by taxes levied upon the people. The citizens, either of themſelves or by ſuggeſtion, began to ſtart difficulties with regard to a farther loan which was demanded. We make no ſcruple of truſting the parliament, ſaid they, were we certain that the parliament were to continue till our repayment. But, in the preſent pre-

[x] Whitlocke, p. 44. Franklyn, p. 896.

[y] See note [AA] at the end of the volume.

carious

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carious ſituation of affairs, what ſecurity can be given us for our money? In pretence of obviating this objection, a bill was ſuddenly brought into the houſe, and paſſed with great unanimity and rapidity, that the parliament ſhould not be diſſolved, prorogued, or adjourned, without their own conſent. It was hurried in like manner through the houſe of peers, and was inſtantly carried to the king for his aſſent. Charles, in the agony of grief, ſhame, and remorſe, for Strafford's doom, perceived not that this other bill was of ſtill more fatal conſequence to his authority, and rendered the power of his enemies perpetual, as it was already uncontroulable [z]. In compariſon of the bill of attainder, by which he deemed himſelf an accomplice in his friend's murder, this conceſſion made no figure in his eyes [a]: A circumſtance which, if it leſſen our idea of his reſolution or penetration, ſerves to prove the integrity of his heart, and the goodneſs of his diſpoſition. It is indeed certain, that ſtrong compunction for his conſent to Strafford's execution attended this unfortunate prince during the remainder of his life; and even at his own fatal end, the memory of this guilt, with great ſorrow and remorſe, recurred upon him. All men were ſo ſenſible of the extreme violence which was done him, that he ſuffered the leſs, both in character and intereſt, from this unhappy meaſure; and though he abandoned his beſt friend, yet was he ſtill able to preſerve, in ſome degree, the attachment of all his adherents.

SECRETARY Carleton was ſent by the king to inform Strafford of the final reſolution which neceſſity had extorted from him. The earl ſeemed ſurpriſed, and, ſtarting up, exclaimed, in the words of Scripture, *Put not your truſt in princes, nor in the ſons of men: For in them there is no ſalvation* [b]. He was ſoon able, however, to collect his

[z] Clarendon, vol. i. p. 261, 262. Ruſhworth, vol. v. p. 264.

[a] See note [BB] at the end of the volume. [b] Whitlocke, p. 44.

courage; and he prepared himſelf to ſuffer the fatal ſentence. Only three days' interval was allowed him. The king, who made a new effort in his behalf, and ſent, by the hands of the young prince, a letter addreſſed to the peers, in which he entreated them to confer with the commons about a mitigation of Strafford's ſentence, and begged at leaſt for ſome delay, was refuſed in both requeſts[c]. CHAP. LIV. 1641.

Execution of Strafford.

STRAFFORD, in paſſing from his apartment to Tower-hill, where the ſcaffold was erected, ſtopped under Laud's windows, with whom he had long lived in intimate friendſhip; and entreated the aſſiſtance of his prayers, in thoſe awful moments which were approaching: The aged primate diſſolved in tears; and having pronounced, with a broken voice, a tender bleſſing on his departing friend, ſunk into the arms of his attendants[d]. Strafford, ſtill ſuperior to his fate, moved on with an elated countenance, and with an air even of greater dignity than what uſually attended him. He wanted that conſolation, which commonly ſupports thoſe who periſh by the ſtroke of injuſtice and oppreſſion: He was not buoyed up by glory, nor by the affectionate compaſſion of the ſpectators. Yet his mind, erect and undaunted, found reſources within itſelf, and maintained its unbroken reſolution, amidſt the terrors of death, and the triumphant exultations of his miſguided enemies. His diſcourſe on the ſcaffold was full of decency and courage. "He feared," he ſaid, "that the "omen was bad for the intended reformation of the ſtate, "that it commenced with the ſhedding of innocent "blood." Having bid a laſt adieu to his brother and friends who attended him, and having ſent a bleſſing to his nearer relations who were abſent; "And now," ſaid he, "I have nigh done! One ſtroke will make my wife "a widow, my dear children fatherleſs, deprive my poor

[c] Ruſh. vol. v. p. 265. [d] Nalſon, vol. ii. p. 198.

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" ſervants of their indulgent maſter, and ſeparate *me* " from my affectionate brother and all my friends! But " let God be to you and them all in all!" Going to diſrobe, and prepare himſelf for the block, " I thank God," ſaid he, " that I am nowiſe afraid of death, nor am " daunted with any terrors; but do as cheerfully lay " down my head at this time, as ever I did when going " to repoſe!" With one blow was a period put to his life by the executioner [e].

THUS periſhed, in the 49th year of his age, the earl of Strafford, one of the moſt eminent perſonages that has appeared in England. Though his death was loudly demanded as a ſatisfaction to juſtice, and an atonement for the many violations of the conſtitution; it may ſafely be affirmed, that the ſentence, by which he fell, was an enormity greater than the worſt of thoſe which his implacable enemies proſecuted with ſo much cruel induſtry. The people, in their rage, had totally miſtaken the proper object of their reſentment. All the neceſſities, or, more properly ſpeaking, the difficulties, by which the king had been induced to uſe violent expedients for raiſing ſupply, were the reſult of meaſures previous to Strafford's favour; and if they aroſe from ill conduct, he, at leaſt, was entirely innocent. Even thoſe violent expedients themſelves, which occaſioned the complaint that the conſtitution was ſubverted, had been, all of them conducted, ſo far as appeared, without his counſel or aſſiſtance. And whatever his private advice might be [f], this ſalutary maxim he failed not, often and publicly, to inculcate in the king's preſence, that, if any inevitable neceſſity ever obliged the ſovereign to violate the laws,

[e] Ruſhworth. vol. v. p. 267.

[f] That Strafford was ſecretly no enemy to arbitrary counſels, appears from ſome of his letters and diſpatches, particularly vol. ii. p. 60. where he ſeems to wiſh that a ſtanding army were eſtabliſhed.

this

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this licence ought to be practiſed with extreme reſerve, and, as ſoon as poſſible, a juſt atonement be made to the conſtitution, for any injury which it might ſuſtain from ſuch dangerous precedents [g]. The firſt parliament after the reſtoration reverſed the bill of attainder; and even a few weeks after Strafford's execution, this very parliament remitted to his children the more ſevere conſequences of his ſentence: As if conſcious of the violence, with which the proſecution had been conducted. 1641.

In vain did Charles expect, as a return for ſo many inſtances of unbounded compliance, that the parliament would at laſt ſhow him ſome indulgence, and would cordially fall into that unanimity, to which, at the expence of his own power, and of his friend's life, he ſo earneſtly courted them. All his conceſſions were poiſoned by their ſuſpicion of his want of cordiality; and the ſuppoſed attempt to engage the army againſt them, ſerved with many as a confirmation of this jealouſy. It was natural for the king to ſeek ſome reſource, while all the world ſeemed to deſert him, or combine againſt him; and this probably was the utmoſt of that embryo-ſcheme which was formed with regard to the army. But the popular leaders ſtill inſiſted, that a deſperate plot was laid to bring up the forces immediately, and offer violence to the parliament: A deſign of which Piercy's evidence acquits the king, and which the near neighbourhood of the Scottiſh army ſeems to render abſolutely impracticable [h]. By means, however, of theſe ſuſpicions, was

[g] Ruſhworth, vol. iv. p. 567, 568, 569, 570.

[h] The project of bringing up the army to London, according to Piercy, was propoſed to the king; but he rejected it as fooliſh: Becauſe the Scots, who were in arms, and lying in their neighbourhood, muſt be at London as ſoon as the Engliſh army. This reaſon is ſo ſolid and convincing, that it leaves no room to doubt of the veracity of Piercy's evidence; and conſequently acquits the king of this terrible plot of bringing up the army, which made ſuch a noiſe at the time, and was a pretence for ſo many violences.

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the ſame implacable ſpirit ſtill kept alive; and the commons, without giving the king any ſatisfaction in the ſettlement of his revenue, proceeded to carry their inroads, with great vigour, into his now defenceleſs prerogative [1].

High commiſſion and ſtar-chamber aboliſhed.

THE two ruling paſſions of this parliament, were zeal for liberty, and an averſion to the church; and to both of theſe, nothing could appear more exceptionable, than the court of high commiſſion, whoſe inſtitution rendered it entirely arbitrary, and aſſigned to it the defence of the eccleſiaſtical eſtabliſhment. The ſtar-chamber alſo was a court, which exerted high diſcretionary powers; and had no preciſe rule or limit, either with regard to the cauſes which came under its juriſdiction, or the deciſions which it formed. A bill unanimouſly paſſed the houſes to aboliſh theſe two courts; and, in them, to annihilate the principal and moſt dangerous articles of the king's prerogative. By the ſame bill, the juriſdiction of the council was regulated, and its authority abridged [k]. Charles heſitated before he gave his aſſent. But finding that he had gone too far to retreat, and that he poſſeſſed no reſource in caſe of a rupture, he at laſt affixed the royal ſanction to this excellent bill. But to ſhow the parliament, that he was ſufficiently appriſed of the importance of his grant, he obſerved to them, that this ſtatute altered in a great meaſure the fundamental laws, eccleſiaſtical and civil, which many of his predeceſſors had eſtabliſhed [l].

BY removing the ſtar-chamber, the king's power of binding the people by his proclamations, was indirectly aboliſhed; and that important branch of prerogative, the ſtrong ſymbol of arbitrary power, and unintelligible in a

[1] Clarendon, vol. i. p. 266. [k] Idem, ibid. p. 283, 284. Whitlocke, p. 47. Ruſhworth, vol. iii. p. 1383, 1384. [l] Ruſhworth, vol. v. p. 307.

limited

limited conſtitution, being at laſt removed, left the ſyſtem of government more conſiſtent and uniform. The ſtar-chamber alone was accuſtomed to puniſh infractions of the king's edicts: But as no courts of judicature now remained, except thoſe in Weſtminſter-hall, which take cognizance only of common and ſtatute law, the king may thenceforth iſſue proclamations, but no man is bound to obey them. It muſt, however, be confeſſed, that the experiment here made by the parliament, was not a little raſh and adventurous. No government, at that time, appeared in the world, nor is perhaps to be found in the records of any hiſtory, which ſubſiſted without the mixture of ſome arbitrary authority, committed to ſome magiſtrate; and it might reaſonably, before-hand, appear doubtful, whether human ſociety could ever reach that ſtate of perfection, as to ſupport itſelf with no other controul than the general and rigid maxims of law and equity. But the parliament juſtly thought, that the king was too eminent a magiſtrate to be truſted with diſcretionary power, which he might ſo eaſily turn to the deſtruction of liberty. And in the event it has hitherto been found, that, though ſome ſenſible inconveniences ariſe from the maxim of adhering ſtrictly to law, yet the advantages overbalance them, and ſhould render the Engliſh grateful to the memory of their anceſtors, who, after repeated conteſts, at laſt eſtabliſhed that noble, though dangerous, principle.

CHAP. LIV. 1641.

At the requeſt of the parliament, Charles, inſtead of the patents during pleaſure, gave all the judges patents during their good behaviour[m]: A circumſtance of the greateſt moment towards ſecuring their independency, and barring the entrance of arbitrary power into the ordinary courts of judicature.

[m] May, p. 107.

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THE marſhal's court, which took cognizance of offenſive words, and was not thought ſufficiently limited by law, was alſo, for that reaſon, aboliſhed [n]. The ſtannary courts, which exerciſed juriſdiction over the miners, being liable to a like objection, underwent a like fate. The abolition of the council of the north and the council of Wales followed from the ſame principles. The authority of the clerk of the market, who had a general inſpection over the weights and meaſures throughout the kingdom, was transferred to the mayors, ſheriffs, and ordinary magiſtrates.

IN ſhort, if we take a ſurvey of the tranſactions of this memorable parliament, during the firſt period of its operations, we ſhall find, that, excepting Strafford's attainder, which was a complication of cruel iniquity, their merits, in other reſpects, ſo much outweigh their miſtakes, as to entitle them to praiſe from all lovers of liberty. Not only were former abuſes remedied, and grievances redreſſed: Great proviſion, for the future, was made by law againſt the return of like complaints. And if the means, by which they obtained ſuch advantages ſavour often of artifice, ſometimes of violence; it is to be conſidered, that revolutions of government cannot be effected by the mere force of argument and reaſoning: And that factions being once excited, men can neither ſo firmly regulate the tempers of others, nor their own, as to enſure themſelves againſt all exorbitancies.

The parliament now came to a pauſe. The king had promiſed his Scottiſh ſubjects, that he would this ſummer pay them a viſit, in order to ſettle their government; and though the Engliſh parliament was very importunate with him, that he ſhould lay aſide that journey; they could not prevail with him ſo much as to delay it. As

[n] Nalſon, vol. i. p. 778.

he

he muſt neceſſarily in his journey have paſſed through the troops of both nations, the commons ſeem to have entertained great jealouſy on that account, and to have now hurried on, as much as they formerly delayed, the diſbanding of the armies. The arrears therefore of the Scots were fully paid them; and thoſe of the Engliſh in part. The Scots returned home, and the Engliſh were ſeparated into their ſeveral counties, and diſmiſſed. CHAP. LIV. 1641. 8th of Aug. King's journey to Scotland.

AFTER this the parliament adjourned to the 20th of October; and a committee of both houſes, a thing unprecedented, was appointed to ſit during the receſs, with very ample powers [o]. Pym was elected chairman of the committee of the lower houſe. Farther attempts were made by the parliament, while it ſat, and even by the commons alone, for aſſuming ſovereign executive powers, and publiſhing their ordinances, as they called them, inſtead of laws. The committee too, on their part, was ready to imitate the example. 9th of Sept.

A SMALL committee of both houſes was appointed to attend the king into Scotland, in order, as was pretended, to ſee that the articles of pacification were executed; but really to be ſpies upon him, and extend ſtill farther the ideas of parliamentary authority, as well as eclipſe the majeſty of the king. The earl of Bedford, lord Howard, Sir Philip Stapleton, Sir William Armyne, Fiennes, and Hambden, were the perſons choſen [p].

ENDEAVOURS were uſed, before Charles's departure, to have a protector of the kingdom appointed, with a power to paſs laws without having recourſe to the king. So little regard was now paid to royal authority, or to the eſtabliſhed conſtitution of the kingdom.

AMIDST the great variety of affairs which occurred during this buſy period, we have almoſt overlooked the

[o] Ruſhworth, vol. v. p. 387. [p] Ibid. p. 376.

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marriage of the princeſs Mary with William prince of Orange. The king concluded not this alliance without communicating his intentions to the parliament, who received the propoſal with ſatisfaction [q]. This was the commencement of the connections with the family of Orange: Connections, which were afterwards attended with the moſt important conſequences, both to the kingdom and to the houſe of Stuart.

[q] Whitlocke, p. 38.

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CHAP. LV.

Settlement of Scotland——Conſpiracy in Ireland——Inſurrection and maſſacre——Meeting of the Engliſh parliament——The remonſtrance——Reaſons on both ſides——Impeachment of the biſhops——Accuſation of the five members——Tumults——King leaves London——Arrives in York——Preparations for civil war.

CHAP. LV. 1641.

THE Scots, who began theſe fatal commotions, thought, that they had finiſhed a very perilous undertaking, much to their profit and reputation. Beſides the large pay voted them for lying in good quarters during a twelvemonth, the Engliſh parliament had conferred on them a preſent of 300,000 pounds for their brotherly aſſiſtance [r]. In the articles of pacification, they were declared to have ever been good ſubjects; and their military expeditions were approved of, as enterprizes calculated and intended for his majeſty's honour and advantage. To carry farther the triumph over their ſovereign, theſe terms, ſo ignominious to him, were ordered by a vote of parliament, to be read in all churches, upon a day of thankſgiving, appointed for the national pacification [s]: All their claims for the reſtriction of prerogative, were agreed to be ratified; And what they more valued than all theſe advantages; they had a near proſpect of ſpreading the preſbyterian diſcipline in England and Ireland, from the ſeeds, which they had ſcattered, of their religious principles. Never did refined Athens ſo exult in diffu-

[r] Nalſon, vol. i. p. 747. May, p. 104. [s] Ruſhworth, vol. v. p. 365. Clarendon, vol. ii. p. 293.

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fing the ſciences and liberal arts over a ſavage world; never did generous Rome ſo pleaſe herſelf in the view of law and order eſtabliſhed by her victorious arms; as the Scots now rejoiced, in communicating their barbarous zeal and theological fervour, to the neighbouring nations.

Aug. 14. Settlement of Scotland.

CHARLES, deſpoiled in England of a conſiderable part of his authority, and dreading ſtill farther encroachments upon him, arrived in Scotland, with an intention of abdicating almoſt entirely the ſmall ſhare of power which *there* remained to him, and of giving full ſatisfaction, if poſſible, to his reſtleſs ſubjects in that kingdom.

THE lords of articles were an ancient inſtitution in the Scottiſh parliament. They were conſtituted after this manner. The temporal lords choſe eight biſhops: The biſhops elected eight temporal lords: Theſe ſixteen named eight commiſſioners of counties, and eight burgeſſes: And without the previous conſent of the thirty-two, who were denominated lords of articles, no motion could be made in parliament. As the biſhops were entirely devoted to the court, it is evident, that all the lords of articles, by neceſſary conſequence, depended on the king's nomination; and the prince, beſides one negative after the bills had paſſed through parliament, poſſeſſed indirectly another before their introduction; a prerogative of much greater conſequence than the former. The bench of biſhops being now aboliſhed, the parliament laid hold of the opportunity, and totally ſet aſide the lords of articles: And till this important point was obtained, the nation, properly ſpeaking, could not be ſaid to enjoy any regular freedom [t].

IT is remarkable, that, notwithſtanding this inſtitution, to which there was no parallel in England, the royal authority was always deemed much lower in Scot-

[t] Burnet, Mem.

land

land than in the former kingdom. Bacon repreſents it as one advantage to be expected from the union, that the too extenſive prerogative of England would be abridged by the example of Scotland, and the too narrow prerogative of Scotland be enlarged from the imitation of England. The Engliſh were, at that time, a civilized people, and obedient to the laws: But among the Scots, it was of little conſequence how the laws were framed, or by whom voted, while the exorbitant ariſtocracy had it ſo much in their power to prevent their regular execution. CHAP. LV. 1641.

THE peers and commons formed only one houſe in the Scottiſh parliament: And as it had been the practice of James, continued by Charles, to grace Engliſh gentlemen with Scottiſh titles, all the determinations of parliament, it was to be feared, would in time depend upon the prince, by means of theſe votes of foreigners, who had no intereſt or property in the nation. It was therefore a law deſerving approbation, that no man ſhould be created a Scotch peer, who poſſeſſed not 10,000 marks (above 500 pounds) of annual rent in the kingdom [u].

A LAW for triennial parliaments was likewiſe paſſed; and it was ordained, that the laſt act of every parliament ſhould be to appoint the time and place for holding the parliament next enſuing [w].

THE king was deprived of that power, formerly exerciſed, of iſſuing proclamations, which enjoined obedience, under the penalty of treaſon: A prerogative, which inveſted him with the whole legiſlative authority, even in matters of the higheſt importance [x].

So far was laudable: But the moſt fatal blow given to royal authority, and what in a manner dethroned the prince, was the article, that no member of the privy council, in whoſe hands, during the king's abſence, the

[u] Burnet, Mem. [w] Idem, ibid. [x] Idem, ibid.

CHAP. LV. 1641.

whole adminiſtration lay, no officer of ſtate, none of the judges, ſhould be appointed but by advice and approbation of parliament. Charles even agreed to deprive of their ſeats, four judges who had adhered to his intereſts; and their place was ſupplied by others more agreeable to the ruling party. Several of the covenanters were alſo ſworn of the privy council. And all the miniſters of ſtate, counſellors, and judges, were, by law, to hold their places during life or good behaviour [y].

THE king, while in Scotland, conformed himſelf entirely to the eſtabliſhed church; and aſſiſted with great gravity, at the long prayers and longer ſermons with which the preſbyterians endeavoured to regale him. He beſtowed penſions and preferments on Henderſon, Gilleſpy, and other popular preachers; and practiſed every art to ſoften, if not to gain, his greateſt enemies. The earl of Argyle was created a marquis, lord Loudon an earl, Leſley was dignified with the title of earl of Leven [z]. His friends, he was obliged, for the preſent, to neglect and overlook: Some of them were diſguſted: And his enemies were not reconciled; but aſcribed all his careſſes and favours to artifice and neceſſity.

ARGYLE and Hamilton, being ſeized with an apprehenſion real or pretended, that the earl of Crawfurd and others meant to aſſaſſinate them, left the parliament ſuddenly, and retired into the country: But upon invitation and aſſurances, returned in a few days. This event which had neither cauſe nor effect that was viſible, nor purpoſe, nor conſequence, was commonly denominated the *incident*. But though the incident had no effect in Scotland; what was not expected, it was attended with conſequences in England. The Engliſh parliament
October 20. which was now aſſembled, being willing to awaken the people's tenderneſs by exciting their fears, immediately

[y] Burnet, Mem. [z] Clarendon, vol. ii. p. 309.

took

took the alarm; as if the malignants, ſo they called the king's party, had laid a plot at once to murder them and all the godly in both kingdoms. They applied, therefore, to Eſſex, whom the king had left general in the ſouth of England; and he ordered a guard to attend them [a].

CHAP. LV. 1641.

But while the king was employed in pacifying the commotions in Scotland, and was preparing to return to England, in order to apply himſelf to the ſame ſalutary work in that kingdom; he received intelligence of a dangerous rebellion broken out in Ireland, with circumſtances of the utmoſt horror, bloodſhed, and devaſtation. On every ſide, this unfortunate prince was purſued with murmurs, diſcontent, faction, and civil wars; and the fire, from all quarters, even by the moſt independent accidents, at once blazed up about him.

The great plan of James, in the adminiſtration of Ireland, continued by Charles, was, by juſtice and peace, to reconcile that turbulent people to the authority of laws, and, introducing art and induſtry among them, to cure them of that ſloth and barbariſm to which they had ever been ſubject. In order to ſerve both theſe purpoſes, and at the ſame time ſecure the dominion of Ireland to the Engliſh crown, great colonies of Britiſh had been carried over, and, being intermixed with the Iriſh, had every where introduced a new face of things into that country. During a peace of near forty years, the inveterate quarrels between the nations ſeemed, in a great meaſure, to be obliterated; and though much of the landed property, forfeited by rebellion, had been conferred on the new planters, a more than equal return had been made, by their inſtructing the natives in tillage, building, manufactures, and all the civilized arts of

[a] Whitlocke, p. 40. Dugdale, p. 72. Burnet's Memoirs of the Houſe of Hamilton, p. 184, 185. Clarendon, p. 299.

life.

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life [b]. This had been the courſe of things during the ſucceſſive adminiſtrations of Chicheſter, Grandiſon, Falkland, and, above all, of Strafford. Under the government of this latter nobleman, the pacific plans, now come to greater maturity, and forwarded by his vigour and induſtry, ſeemed to have operated with full ſucceſs, and to have beſtowed, at laſt, on that ſavage country, the face of a European ſettlement.

AFTER Strafford fell a victim to popular rage, the humours excited in Ireland by that great event, could not ſuddenly be compoſed, but continued to produce the greateſt innovations in the government.

THE Britiſh proteſtants, tranſplanted into Ireland, having, every moment before their eyes, all the horrors of popery, had naturally been carried into the oppoſite extreme, and had univerſally adopted the higheſt principles and practices of the puritans. Monarchy, as well as the hierarchy, was become odious to them; and every method of limiting the authority of the crown, and detaching themſelves from the king of England, was greedily adopted and purſued. They conſidered not, that as they ſcarcely formed the ſixth part of the people, and were ſecretly obnoxious to the ancient inhabitants, their only method of ſupporting themſelves was by maintaining royal authority, and preſerving a great dependance on their mother-country. The Engliſh commons, likewiſe, in their furious proſecution of Strafford, had overlooked the moſt obvious conſequences; and, while they imputed to him, as a crime, every diſcretionary act of authority, they deſpoiled all ſucceeding governors of that power, by which alone the Iriſh could be retained in ſubjection. And ſo ſtrong was the current for popular government in all the three kingdoms, that the moſt eſtabliſhed maxims

[b] Sir John Temple's Iriſh rebellion, p. 12.

of

of policy were every where abandoned, in order to gratify this ruling paſſion. CHAP. LV. 1641.

CHARLES, unable to reſiſt, had been obliged to yield to the Iriſh, as to the Scottiſh and Engliſh parliaments; and found too, that their encroachments ſtill roſe in proportion to his conceſſions. Thoſe ſubſidies, which themſelves had voted, they reduced, by a ſubſequent vote, to a fourth part: The court of high commiſſion was determined to be a grievance: Martial law aboliſhed: The juriſdiction of the council annihilated: Proclamations and acts of ſtate declared of no authority: Every order or inſtitution, which depended on monarchy, was invaded; and the prince was deſpoiled of all his prerogative, without the leaſt pretext of any violence or illegality in his adminiſtration.

THE ſtanding army of Ireland was uſually about 3000 men; but in order to aſſiſt the king in ſuppreſſing the Scottiſh covenanters, Strafford had raiſed 8000 more, and had incorporated with them a thouſand men, drawn from the old army; a neceſſary expedient for beſtowing order and diſcipline on the new levied ſoldiers. The private men in this army were all catholics; but the officers, both commiſſion and non-commiſſion, were proteſtants, and could entirely be depended on by Charles. The Engliſh commons entertained the greateſt apprehenſions on account of this army; and never ceaſed ſoliciting the king, till he agreed to break it: Nor would they conſent to any propoſal for augmenting the ſtanding army to 5000 men; a number which the king deemed neceſſary for retaining Ireland in obedience.

CHARLES, thinking it dangerous, that 8000 men accuſtomed to idleneſs, and trained to the uſe of arms, ſhould be diſperſed among a nation ſo turbulent and unſettled, agreed with the Spaniſh ambaſſador to have them tranſported into Flanders, and enliſted in his maſter's ſervice.

CHAP. LV. 1641.

vice. The Engliſh commons, pretending apprehenſions, leſt regular bodies of troops, diſciplined in the Low Countries, ſhould prove ſtill more dangerous, ſhewed ſome averſion to this expedient; and the king reduced his allowance to 4000 men. But when the Spaniards had hired ſhips for tranſporting theſe troops, and the men were ready to embark; the commons, willing to ſhow their power, and not diſpleaſed with an opportunity of curbing and affronting the king, prohibited every one from furniſhing veſſels for that ſervice. And thus the project, formed by Charles, of freeing the country from theſe men, was unfortunately diſappointed [c].

THE old Iriſh remarked all theſe falſe ſteps of the Engliſh, and reſolved to take advantage of them. Though their animoſity againſt that nation, for want of an occaſion to exert itſelf, ſeemed to be extinguiſhed, it was only compoſed into a temporary and deceitful tranquillity [d]. Their intereſts, both with regard to *property* and *religion*, ſecretly ſtimulated them to a revolt. No individual of any ſept, according to the ancient cuſtoms, had the property of any particular eſtate; but as the whole ſept had a title to a whole territory, they ignorantly preferred this barbarous community before the more ſecure and narrower poſſeſſions aſſigned them by the Engliſh. An indulgence, amounting almoſt to a toleration, had been given to the catholic religion: But ſo long as the churches and the eccleſiaſtical revenues were kept from the prieſts, and they were obliged to endure the neighbourhood of profane heretics, being themſelves diſcontented, they continually endeavoured to retard any cordial reconciliation between the Engliſh and the Iriſh nations.

Conſpiracy in Ireland.

THERE was a gentleman called Roger More, who, though of a narrow fortune, was deſcended from an

[c] Clarendon, vol. i. p. 281. Ruſhworth, vol. v. p. 381. Dugdale, p. 75. May, book ii. p. 3.

[d] Temple, p. 14.

ancient

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1641.

ancient Iriſh family, and was much celebrated among his countrymen for valour and capacity. This man firſt formed the project of expelling the Engliſh, and aſſerting the independency of his native country[e]. He ſecretly went from chieftain to chieftain, and rouzed up every latent principle of diſcontent. He maintained a cloſe correſpondence with lord Maguire and Sir Phelim O'Neale, the moſt powerful of the old Iriſh. By converſation, by letters, by his emiſſaries, he repreſented to his countrymen the motives of a revolt. He obſerved to them, that, by the rebellion of the Scots, and factions of the Engliſh, the king's authority in Britain was reduced to ſo low a condition, that he never could exert himſelf with any vigour, in maintaining the Engliſh dominion over Ireland; that the catholics, in the Iriſh houſe of commons, aſſiſted by the proteſtants, had ſo diminiſhed the royal prerogative and the power of the lieutenant, as would much facilitate the conducting, to its deſired effect, any conſpiracy or combination, which could be formed; that the Scots having ſo ſucceſsfully thrown off dependence on the crown of England, and aſſumed the government into their own hands, had ſet an example to the Iriſh, who had ſo much greater opreſſions to complain of; that the Engliſh planters, who had expelled them their poſſeſſions, ſuppreſſed their religion, and bereaved them of their liberties, were but a handful in compariſon of the natives; that they lived in the moſt ſupine ſecurity, interſperſed with their numerous enemies, truſting to the protection of a ſmall army, which was itſelf ſcattered in inconſiderable diviſions throughout the whole kingdom; that a great body of men, diſciplined by the government, were now thrown looſe, and were ready for any daring or deſperate enterprize; that though the catholics had hitherto enjoyed, in ſome

[e] Nalſon, vol. ii. p. 543.

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tolerable meaſure, the exerciſe of their religion, from the moderation of their indulgent prince, they muſt henceforth expect, that the government will be conducted by other maxims and other principles; that the puritanical parliament, having at length ſubdued their ſovereign, would, no doubt, as ſoon as they had conſolidated their authority, extend their ambitious enterprizes to Ireland, and make the catholics in that kingdom feel the ſame furious perſecution, to which their brethren in England were at preſent expoſed; and that a revolt in the Iriſh, tending only to vindicate their native liberty againſt the violence of foreign invaders, could never, at any time, be deemed rebellion; much leſs during the preſent confuſions, when their prince was, in a manner, a priſoner, and obedience muſt be paid, not to him, but to thoſe who had traiterouſly uſurped his lawful authority[f].

By theſe conſiderations, More engaged all the heads of the native Iriſh into the conſpiracy. The Engliſh of the pale, as they were called, or the old Engliſh planters, being all catholics, it was hoped, would afterwards join the party, which reſtored their religion to its ancient ſplendour and authority. The intention was, That Sir Phelim O'Neale and the other conſpirators ſhould begin an inſurrection on one day, throughout the provinces, and ſhould attack all the Engliſh ſettlements; and that, on the ſame day, lord Maguire and Roger More ſhould ſurprize the caſtle of Dublin. The commencement of the revolt was fixed on the approach of winter, that there might be more difficulty in tranſporting forces from England. Succours to themſelves and ſupplies of arms they expected from France, in conſequence of a promiſe made them by cardinal Richelieu. And many Iriſh officers, who ſerved in the Spaniſh troops, had engaged to join them, as ſoon as they ſaw an inſurrec-

[f] Temple, p. 72, 73. 78. Dugdale, p. 73.

tion

tion entered upon by their catholic brethren. News, which every day arrived from England, of the fury expreſſed by the commons againſt all papiſts, ſtruck freſh terror into the Iriſh nation, and both ſtimulated the conſpirators to execute their fatal purpoſe, and gave them aſſured hopes of the concurrence of all their countrymen [g]. CHAP. LV. 1641.

SUCH propenſity to a revolt was diſcovered in all the Iriſh, that it was deemed unneceſſary, as it was dangerous, to entruſt the ſecret to many hands; and the appointed day drew nigh, nor had any diſcovery been yet made to the government. The king, indeed, had received information from his ambaſſadors, that ſomething was in agitation among the Iriſh in foreign parts; but though he gave warning to the adminiſtration in Ireland, the intelligence was entirely neglected [h]. Secret rumours, likewiſe, were heard of ſome approaching conſpiracy; but no attention was paid to them. The earl of Leiceſter, whom the king had appointed lieutenant, remained in London. The two juſtices, Sir William Parſons and Sir John Borlace, were men of ſmall abilities; and, by an inconvenience, common to all factious times, owed their advancement to nothing but their zeal for the party by whom every thing was now governed. Tranquil from their ignorance and inexperience, theſe men indulged themſelves in the moſt profound repoſe, on the very brink of deſtruction.

BUT they were awakened from their ſecurity, on the very day before that which was appointed for the commencement of hoſtilities. The caſtle of Dublin, by which the capital was commanded, contained arms for 10,000 men, with thirty-five pieces of cannon, and a proportionable quantity of ammunition: Yet was this important

g Dugdale, p. 74.

h Ruſhworth, vol. v. p. 408. Nalſon, vol. ii. p. 565.

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place guarded, and that too without any care, by no greater force than fifty men. Maguire and More were already in town with a numerous band of their partizans: Others were expected that night: And, next morning, they were to enter upon, what they esteemed the easiest of all enterprizes, the surprizal of the castle. O'Conolly, an Irishman, but a protestant, betrayed the conspiracy to Parsons[i]. The justices and council fled immediately, for safety, into the castle, and re-inforced the guards. The alarm was conveyed to the city, and all the protestants prepared for defence. More escaped: Maguire was taken; and Mahone, one of the conspirators, being likewise seized, first discovered to the justices, the project of a general insurrection, and redoubled the apprehensions which already were universally diffused throughout Dublin[k].

Irish insurrection and massacre.

But though O'Conolly's discovery saved the castle from a surprize, the confession extorted from Mahone came too late to prevent the intended insurrection. O'Neale and his confederates had already taken arms in Ulster. The Irish, every where intermingled with the English, needed but a hint from their leaders and priests to begin hostilities against a people whom they hated on account of their religion, and envied for their riches and prosperity[l]. The houses, cattle, goods, of the unwary English were first seized. Those who heard of the commotions in their neighbourhood, instead of deserting their habitations, and assembling for mutual protection, remained at home, in hopes of defending their property; and fell thus separately into the hands of their enemies[m]. After rapacity had fully exerted itself, cruelty, and the most barbarous that ever, in any nation, was

i Rushworth, vol. v. p. 399. Nalson, vol. ii. p. 520. May, book ii. p. 6. k Temple, p. 17, 18, 19, 20. Rush. vol. v. p. 400.
l Temple, p. 39, 40, 79. m Idem, p. 42.

known

known or heard of, began its operations. An univerſal maſſacre commenced of the Engliſh, now defenceleſs, and paſſively reſigned to their inhuman foes. No age, no ſex, no condition was ſpared. The wife weeping for her butchered huſband, and embracing her helpleſs children, was pierced with them, and periſhed by the ſame ſtroke[n]. The old, the young, the vigorous, the infirm, underwent a like fate, and were confounded in one common ruin. In vain did flight ſave from the firſt aſſault: Deſtruction was, every where, let looſe and met the hunted victims at every turn. In vain was recourſe had to relations, to companions, to friends: All connexions were diſſolved, and death was dealt by that hand, from which protection was implored and expected. Without provocation, without oppoſition, the aſtoniſhed Engliſh, living in profound peace, and full ſecurity, were maſſacred by their neareſt neighbours, with whom they had long upheld a continued intercourſe of kindneſs and good offices[o].

CHAP. LV. 1641.

But death was the ſlighteſt puniſhment inflicted by thoſe rebels: All the tortures which wanton cruelty could deviſe, all the lingering pains of body, the anguiſh of mind, the agonies of deſpair, could not ſatiate revenge excited without injury, and cruelty derived from no cauſe. To enter into particulars would ſhock the leaſt delicate humanity. Such enormities, though atteſted by undoubted evidence, appear almoſt incredible. Depraved nature, even perverted religion, encouraged by the utmoſt licence, reach not to ſuch a pitch of ferocity; unleſs the pity, inherent in human breaſts, be deſtroyed by that contagion of example, which tranſports men beyond all the uſual motives of conduct and behaviour.

[n] Temple, p. 40. [o] Idem, p. 39, 40.

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THE weaker ſex themſelves, naturally tender to their own ſufferings, and compaſſionate to thoſe of others, here emulated their more robuſt companions, in the practice of every cruelty[p]. Even children, taught by the example, and encouraged by the exhortation, of their parents, eſſayed their feeble blows on the dead carcaſſes or defenceleſs children of the Engliſh[q]. The very avarice of the Iriſh was not a ſufficient reſtraint to their cruelty. Such was their frenzy, that the cattle, which they had ſeized, and by rapine made their own, yet becauſe they bore the name of Engliſh, were wantonly ſlaughtered, or, when covered with wounds, turned looſe into the woods and deſarts[r].

THE ſtately buildings or commodious habitations of the planters, as if upbraiding the ſloth and ignorance of the natives, were conſumed with fire, or laid level with the ground. And where the miſerable owners, ſhut up in their houſes, and preparing for defence, periſhed in the flames, together with their wives and children, a double triumph was afforded to their inſulting foes[s].

IF any where a number aſſembled together, and, aſſuming courage from deſpair, were reſolved to ſweeten death by revenge on their aſſaſſins; they were diſarmed by capitulations, and promiſes of ſafety, confirmed by the moſt ſolemn oaths. But no ſooner had they ſurrendered, than the rebels, with perfidy equal to their cruelty, made them ſhare the fate of their unhappy countrymen[t].

OTHERS, more ingenious ſtill in their barbarity, tempted their priſoners, by the fond love of life, to embrue their hands in the blood of friends, brothers, parents; and having thus rendered them accomplices in

p Temple, p. 96. 101. Ruſh. vol. v. p. 415. q Temple, p. 100.
r Temple, p. 84. s Idem, p. 99. 106. Ruſh. vol. v. p. 414.
t Whitlocke, p. 47. Ruſh. vol. v. p. 416.

guilt,

guilt, gave them that death, which they ſought to ſhun by deſerving it[u].

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1641.

AMIDST all theſe enormities, the ſacred name of RELIGION reſounded on every ſide; not to ſtop the hands of theſe murderers, but to enforce their blows, and to ſteel their hearts againſt every movement of human or ſocial ſympathy. The Engliſh, as heretics, abhorred of God, and deteſtable to all holy men, were marked out by the prieſts for ſlaughter; and, of all actions, to rid the world of theſe declared enemies to catholic faith and piety, was repreſented as the moſt meritorious[w]. Nature, which, in that rude people, was ſufficiently inclined to atrocious deeds, was farther ſtimulated by precept; and national prejudices empoiſoned by thoſe averſions, more deadly and incurable, which aroſe from an enraged ſuperſtition. While death finiſhed the ſufferings of each victim, the bigoted aſſaſſins, with joy and exultation, ſtill echoed in his expiring ears, that theſe agonies were but the commencement of torments, infinite and eternal[x].

SUCH were the barbarities, by which Sir Phelim O'Neale and the Iriſh in Ulſter ſignalized their rebellion: An event, memorable in the annals of human kind, and worthy to be held in perpetual deteſtation and abhorrence. The generous nature of More was ſhocked at the recital of ſuch enormous cruelties. He flew to O'Neale's camp; but found, that his authority, which was ſufficient to excite the Iriſh to an inſurrection, was too feeble to reſtrain their inhumanity. Soon after, he abandoned a cauſe, polluted by ſo many crimes; and he retired into Flanders. Sir Phelim, recommended by the greatneſs of his family, and perhaps too, by the unreſtrained brutality of his nature, though without any courage or capacity, acquired the entire aſcendant over the northern

[u] Temple, p. 100. [w] Idem, p. 85. 106. [x] Idem, p. 94. 197, 108. Ruſhworth, vol. v. p. 407.

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rebels[y]. The Engliſh colonies were totally annihilated in the open country of Ulſter: The Scots, at firſt, met with more favourable treatment. In order to engage them to a paſſive neutrality, the Iriſh pretended to diſtinguiſh between the Britiſh nations; and claiming friendſhip and conſanguinity with the Scots, extended not over them the fury of their maſſacres. Many of them found an opportunity to fly the country: Others retired into places of ſecurity, and prepared themſelves for defence: And by this means, the Scottiſh planters, moſt of them at leaſt, eſcaped with their lives[z].

FROM Ulſter, the flames of rebellion diffuſed themſelves, in an inſtant, over the other three provinces of Ireland. In all places death and ſlaughter were not uncommon; though the Iriſh, in theſe other provinces, pretended to act with moderation and humanity. But cruel and barbarous was their humanity! Not content with expelling the Engliſh their houſes, with deſpoiling them of their goodly manors, with waſting their cultivated fields; they ſtripped them of their very cloaths, and turned them out, naked and defenceleſs, to all the ſeverities of the ſeaſon[a]. The heavens themſelves, as if conſpiring againſt that unhappy people, were armed with cold and tempeſt, unuſual to the climate, and executed what the mercileſs ſword had left unfiniſhed[b]. The roads were covered with crowds of naked Engliſh, haſtening towards Dublin and the other cities, which yet remained in the hands of their countrymen. The feeble age of children, the tender ſex of women, ſoon ſunk under the multiplied rigours of cold and hunger. Here, the huſband, bidding a final adieu to his expiring family, envied them that fate, which he himſelf expected ſo ſoon to ſhare: There, the ſon, having long ſupported his aged parent, with reluc-

[y] Temple, p. 44.
[z] Temple, p. 42.
[a] Idem, p. 41. Ruſh. vol. i. p. 416.
[b] Idem, p. 64.

tance

tance obeyed his laſt commands, and abandoning him in this uttermoſt diſtreſs, reſerved himſelf to the hopes of avenging that death, which all his efforts could not prevent or delay. The aſtoniſhing greatneſs of the calamity deprived the ſufferers of any relief from the view of companions in affliction. With ſilent tears, or lamentable cries, they hurried on through the hoſtile territories; and found every heart; which was not ſteeled by native barbarity, guarded by the more implacable furies of miſtaken piety and religion[c].

CHAP. LV. 1641.

THE ſaving of Dublin preſerved in Ireland the remains of the Engliſh name. The gates of that city, though timorouſly opened, received the wretched ſupplicants, and preſented to the view a ſcene of human miſery beyond what any eye had ever before beheld[d]. Compaſſion ſeized the amazed inhabitants, aggravated with the fear of like calamities; while they obſerved the numerous foes without and within, which every where environed them, and reflected on the weak reſources by which they were themſelves ſupported. The more vigorous of the unhappy fugitives, to the number of three thouſand, were inliſted into three regiments: The reſt were diſtributed into the houſes; and all care was taken, by diet and warmth, to recruit their feeble and torpid limbs. Diſeaſes of unknown name and ſpecies, derived from theſe multiplied diſtreſſes, ſeized many of them, and put a ſpeedy period to their lives: Others, having now leiſure to reflect on their mighty loſs of friends and fortune, curſed that being which they had ſaved. Abandoning themſelves to deſpair, refuſing all ſuccour, they expired; without other conſolation than that of receiving among their countrymen the honours of a grave, which, to their ſlaughtered companions, had been denied by the inhuman barbarians[e].

[c] Temple, p. 88. [d] Idem, p. 62. [e] Idem, p. 43. 62.

By

CHAP. LV.

1641.

By ſome computations, thoſe who periſhed by all theſe cruelties, are ſuppoſed to be a hundred and fifty, or two hundred thouſand: By the moſt moderate, and probably the moſt reaſonable account, they are made to amount to 40,000; if this eſtimation itſelf be not, as is uſual in ſuch caſes, ſomewhat exaggerated.

The juſtices ordered to Dublin all the bodies of the army which were not ſurrounded by the rebels; and they aſſembled a force of 1500 veterans. They ſoon inliſted, and armed from the magazines above 4000 men more. They diſpatched a body of 600 men, to throw relief into Tredah, beſieged by the Iriſh. But theſe troops, attacked by the enemy, were ſeized with a panic, and were moſt of them put to the ſword. Their arms, falling into the hands of the Iriſh, ſupplied them with what they moſt wanted [f]. The juſtices, willing to foment the rebellion, in a view of profiting by the multiplied forfeitures, henceforth thought of nothing more than providing for their own preſent ſecurity, and that of the capital. The earl of Ormond, their general, remonſtrated againſt ſuch timid, not to ſay baſe and intereſted counſels; but was obliged to ſubmit to authority.

The Engliſh of the pale, who probably were not at firſt in the ſecret, pretended to blame the inſurrection, and to deteſt the barbarity with which it was accompanied [g]. By their proteſtations and declarations, they engaged the juſtices to ſupply them with arms, which they promiſed to employ in defence of the government [h]. But in a little time, the intereſts of religion were found more prevalent over them, than regard and duty to their mother-country. They choſe lord Gormanſtone their leader; and, joining the old Iriſh, rivaled them in every act of violence towards the Engliſh proteſtants. Beſides many ſmaller bodies diſperſed over the kingdom, the

[f] Nalſon, vol. ii. p. 905. [g] Temple, p. 33. Ruſhworth, vol. v. p. 402. [h] Temple, p. 60. Borlaſe, Hiſt. p. 28.

principal

principal army of the rebels amounted to twenty thousand men, and threatened Dublin with an immediate siege [1]. CHAP. LV. 1641.

Both the Engliſh and Iriſh rebels conſpired in one impoſture, with which they ſeduced many of their deluded countrymen: They pretended authority from the king and queen, but chiefly from the latter, for their inſurrection; and they affirmed, that the cauſe of their taking arms was to vindicate royal prerogative, now invaded by the puritanical parliament [k]. Sir Phelim O'Neale, having found a royal patent in lord Cauſield's houſe, whom he had murdered, tore off the ſeal, and affixed it to a commiſſion, which he had forged for himſelf [l].

The king received an account of this inſurrection by a meſſenger diſpatched from the north of Ireland. He immediately communicated his intelligence to the Scottiſh parliament. He expected that the mighty zeal, expreſſed by the Scots for the proteſtant religion, would immediately engage them to fly to its defence, where it was ſo violently invaded: He hoped that their horror againſt popery, a religion which now appeared in its moſt horrible aſpect, would ſecond all his exhortations: He had obſerved with what alacrity they had twice run to arms, and aſſembled troops in oppoſition to the rights of their ſovereign: He ſaw with how much greater facility they could now collect forces, which had been very lately diſbanded, and which had been ſo long enured to military diſcipline. The cries of their affrighted and diſtreſſed brethren in Ireland, he promiſed himſelf, would powerfully incite them to ſend over ſuccours, which could arrive ſo quickly, and aid them with ſuch promptitude in this uttermoſt diſtreſs. But the zeal of the Scots, as is uſual among religious ſects, was very feeble, when not

[i] Whitlocke, p. 49.
[k] Ruſhworth, vol. v. p. 400, 401.
[l] Idem, ibid. p. 402.

ſtimulated

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ſtimulated either by faction or by intereſt. They now conſidered themſelves entirely as a republic, and made no account of the authority of their prince, which they had utterly annihilated. Conceiving hopes from the preſent diſtreſſes of Ireland, they reſolved to make an advantageous bargain for the ſuccours with which they ſhould ſupply their neighbouring nation. And they caſt their eye towards the Engliſh parliament, with whom they were already ſo cloſely connected, and who could alone fulfil any articles which might be agreed on. Except diſpatching a ſmall body to ſupport the Scottiſh colonies in Ulſter, they would, therefore, go no farther at preſent, than ſending commiſſioners to London, in order to treat with that power, to whom the ſovereign authority was now in reality transferred [m].

THE king too, ſenſible of his utter inability to ſubdue the Iriſh rebels, found himſelf obliged, in this exigency, to have recourſe to the Engliſh parliament, and depend on their aſſiſtance for ſupply. After communicating to them the intelligence which he had received, he informed them, that the inſurrection was not, in his opinion, the reſult of any raſh enterprize, but of a formed conſpiracy againſt the crown of England. To their care and wiſdom, therefore, he ſaid, he committed the conduct and proſecution of the war, which, in a cauſe ſo important to national and religious intereſts, muſt of neceſſity be immediately entered upon, and vigorouſly purſued [n].

Meeting of the Engliſh parliament.

THE Engliſh parliament was now aſſembled; and diſcovered, in every vote, the ſame diſpoſitions in which they had ſeparated. The exalting of their own authority, the diminiſhing of the king's, were ſtill the objects purſued by the majority. Every attempt which had been made to gain the popular leaders, and by offices to attach them to the crown, had failed of ſucceſs, either

[m] Ruſhworth, vol. v. p. 407. [n] Clarendon, vol. ii. p. 301.

for

for want of ſkill in conducting it, or by reaſon of the ſlender preferments, which it was then in the king's power to confer. The ambitious and enterpriſing patriots diſdained to accept, in detail, of a precarious power; while they deemed it ſo eaſy, by one bold and vigorous aſſault, to poſſeſs themſelves for ever of the entire ſovereignty. Senſible that the meaſures which they had hitherto purſued, rendered them extremely obnoxious to the king; were many of them in themſelves exceptionable; ſome of them, ſtrictly ſpeaking, illegal; they reſolved to ſeek their own ſecurity, as well as greatneſs, by enlarging popular authority in England. The great neceſſities to which the king was reduced; the violent prejudices which generally, throughout the nation, prevailed againſt him; his facility in making the moſt important conceſſions; the example of the Scots, whoſe encroachments had totally ſubverted monarchy: All theſe circumſtances farther inſtigated the commons in their invaſion of royal prerogative. And the danger to which the conſtitution ſeemed to have been ſo lately expoſed, perſuaded many, that it never could be ſufficiently ſecured, but by the entire abolition of that authority which had invaded it. CHAP. LV. 1641.

But this project, it had not been in the power, ſcarcely in the intention, of the popular leaders to execute, had it not been for the paſſion which ſeized the nation for preſbyterian diſcipline, and for the wild enthuſiaſm which at that time accompanied it. The licence which the parliament had beſtowed on this ſpirit, by checking eccleſiaſtical authority; the countenance and encouragement with which they had honoured it; had already diffuſed its influence to a wonderful degree: And all orders of men had drunk deep of the intoxicating poiſon. In every diſcourſe or converſation, this mode of religion entered; in all buſineſs it had a ſhare; every elegant

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pleaſure or amuſement it utterly annihilated; many vices or corruptions of mind it promoted; even diſeaſes and bodily diſtempers were not totally exempted from it; and it became requiſite, we are told, for all phyſicians to be expert in the ſpiritual profeſſion, and, by theological conſiderations, to allay thoſe religious terrours with which their patients were ſo generally haunted. Learning itſelf, which tends ſo much to enlarge the mind, and humanize the temper, rather ſerved on this occaſion to exalt that epidemical frenzy which prevailed. Rude as yet, and imperfect, it ſupplied the diſmal fanaticiſm with a variety of views, founded it on ſome coherency of ſyſtem, enriched it with different figures of elocution; advantages with which a people, totally ignorant and barbarous, had been happily unacquainted.

FROM policy, at firſt, and inclination, now from neceſſity, the king attached himſelf extremely to the hierarchy: For like reaſons, his enemies were determined, by one and the ſame effort, to overpower the church and monarchy.

WHILE the commons were in this diſpoſition, the Iriſh rebellion was the event which tended moſt to promote the views in which all their meaſures terminated. A horror againſt the papiſts, however innocent, they had conſtantly encouraged; a terror from the conſpiracies of that ſect, however improbable, they had at all times endeavoured to excite. Here was broken out a rebellion, dreadful and unexpected; accompanied with circumſtances the moſt deteſtable of which there ever was any record: And what was the peculiar guilt of the Iriſh catholics, it was no difficult matter, in the preſent diſpoſition of men's minds, to attribute to that whole ſect, who were already ſo much the object of general abhorrence. Accuſtomed, in all invectives, to join the prelatical party with the papiſts, the people immediately ſuppoſed this inſurrection

to

to be the reſult of their united counſels. And when they heard that the Iriſh rebels pleaded the king's commiſſion for all their acts of violence; bigotry, ever credulous and malignant, aſſented without ſcruple to that groſs impoſture, and loaded the unhappy prince with the whole enormity of a contrivance ſo barbarous and inhuman°. CHAP. LV. 1641.

By the difficulties and diſtreſſes of the crown, the commons, who poſſeſſed alone the power of ſupply, had aggrandized themſelves; and it ſeemed a peculiar happineſs, that the Iriſh rebellion had ſucceeded, at ſo critical a juncture, to the pacification of Scotland. That expreſſion of the king's, by which he committed to them the care of Ireland, they immediately laid hold of, and interpreted in the moſt unlimited ſenſe. They had, on other occaſions, been gradually encroaching on the executive power of the crown, which forms its principal and moſt natural branch of authority; but, with regard to Ireland, they at once aſſumed it, fully and entirely, as if delivered over to them by a regular gift or aſſignment. And to this uſurpation the king was obliged paſſively to ſubmit; both becauſe of his inability to reſiſt, and leſt he ſhould ſtill more expoſe himſelf to the reproach of favouring the progreſs of that odious rebellion.

The project of introducing farther innovations in England being once formed by the leaders among the commons, it became a neceſſary conſequence, that their operations with regard to Ireland ſhould, all of them, be conſidered as ſubordinate to the former, on whoſe ſucceſs, when once undertaken, their own grandeur, ſecurity, and even being, muſt entirely depend. While they pretended the utmoſt zeal againſt the Iriſh inſurrection, they took no ſteps towards its ſuppreſſion, but ſuch as likewiſe tended to give them the ſuperiority in thoſe com-

° See note [CC] at the end of the volume.

motions,

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motions, which, they foreſaw, muſt ſo ſoon be excited in England[p]. The extreme contempt entertained for the natives in Ireland, made the popular leaders believe, that it would be eaſy, at any time, to ſuppreſs their rebellion, and recover that kingdom: Nor were they willing to loſe, by too haſty ſucceſs, the advantage which that rebellion would afford them in their projected encroachments on the prerogative. By aſſuming the total management of the war, they acquired the courtſhip and dependence of every one who had any connexion with Ireland, or who was deſirous of enliſting in theſe military enterprizes: They levied money under pretence of the Iriſh expedition; but reſerved it for purpoſes which concerned them more nearly: They took arms from the king's magazines; but ſtill kept them with a ſecret intention of employing them againſt himſelf: Whatever law they deemed neceſſary for aggrandizing themſelves, was voted, under colour of enabling them to recover Ireland; and if Charles with-held the royal aſſent, his refuſal was imputed to thoſe pernicious counſels which had at firſt excited the popiſh rebellion, and which ſtill threatened total deſtruction to the proteſtant intereſt throughout all his dominions[q]. And though no forces were for a long time ſent over to Ireland, and very little money remitted, during the extreme diſtreſs of that kingdom; ſo ſtrong was the people's attachment to the commons, that the fault was never imputed to thoſe pious zealots, whoſe votes breathed nothing but death and deſtruction to the Iriſh rebels.

To make the attack on royal authority by regular approaches, it was thought proper to frame a general remonſtrance of the ſtate of the nation; and accordingly, the committee, which, at the firſt meeting of parliament,

[p] Clarendon, vol. ii. p. 435. Sir Ed. Walker, p. 6. [q] Nalſon, vol. ii. p. 618. Clarendon, vol. iv. p. 590.

had

had been choſen for that purpoſe, and which had hitherto made no progreſs in their work, received freſh injunctions to finiſh that undertaking. CHAP. LV. 1641.

The remonſtrance.

THE committee brought into the houſe that remonſtrance, which has become ſo memorable, and which was ſoon afterwards attended with ſuch important conſequences. It was not addreſſed to the king; but was openly declared to be an appeal to the people. The harſhneſs of the matter was equalled by the ſeverity of the language. It conſiſts of many groſs falſehoods, intermingled with ſome evident truths: Malignant inſinuations are joined to open invectives: Loud complaints of the paſt, accompanied with jealous prognoſtications of the future. Whatever unfortunate, whatever invidious, whatever ſuſpicious meaſure had been embraced by the king from the commencement of his reign, is inſiſted on and aggravated with mercileſs rhetoric: The unſucceſsful expeditions to Cadiz and the iſle of Rhé, are mentioned: The ſending of ſhips to France for the ſuppreſſion of the hugonots: The forced loans: The illegal confinement of men for not obeying illegal commands: The violent diſſolution of four parliaments: The arbitrary government which always ſucceeded: The queſtioning, fining, and impriſoning of members for their conduct in the houſe: The levying of taxes without conſent of the commons: The introducing of ſuperſtitious innovations into the church, without authority of law: In ſhort, every thing which, either with or without reaſon, had given offence, during the courſe of fifteen years, from the acceſſion of the king to the calling of the preſent parliament. And, though all theſe grievances had been already redreſſed, and even laws enacted for future ſecurity againſt their return, the praiſe of theſe advantages was aſcribed, not to the king, but to the parliament who had extorted his conſent to ſuch ſalutary ſtatutes. Their own merits too,

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THIS remonſtrance, ſo full of acrimony and violence, was a plain ſignal for ſome farther attacks intended on royal prerogative, and a declaration, that the conceſſions already made, however important, were not to be regarded as ſatisfactory. What pretenſions would be advanced, how unprecedented, how unlimited, were eaſily imagined; and nothing leſs was foreſeen, whatever ancient names might be preſerved, than an abolition, almoſt total, of the monarchical government of England. The oppoſition, therefore, which the remonſtrance met with in the houſe of commons, was great. For above fourteen hours, the debate was warmly managed; and from the wearineſs of the king's party, which probably conſiſted chiefly of the elderly people, and men of cool ſpirits, the vote was at laſt carried by a ſmall majority of eleven[s]. Some time after, the remonſtrance was ordered

22d Nov.

[r] Ruſh. vol. v. p. 438. Nalſon, vol. ii. p. 694. [s] Whitlocke, p. 49. Dugdale, p. 71. Nalſon, vol. ii. p. 668.

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to be printed and publiſhed, without being carried up to the houſe of peers, for their aſſent and concurrence. CHAP. LV. 1641.

When this remonſtrance was diſperſed, it excited every-where the ſame violent controverſy, which attended it when introduced into the houſe of commons. This parliament, ſaid the partizans of that aſſembly, have at length profited by the fatal example of their predeceſſors; and are reſolved, that the fabric, which they have generouſly undertaken to rear for the protection of liberty, ſhall not be left to future ages inſecure and imperfect. At the time when the petition of right, that requiſite vindication of a violated conſtitution, was extorted from the unwilling prince; who but imagined that liberty was at laſt ſecured, and that the laws would thenceforth maintain themſelves in oppoſition to arbitrary authority? But what was the event? A *right* was indeed acquired to the people, or rather their ancient right was more exactly defined: But as the *power* of invading it ſtill remained in the prince, no ſooner did an opportunity offer, than he totally diſregarded all laws and preceding engagements, and made his will and pleaſure the ſole rule of government. Thoſe loſty ideas of monarchical authority, which he has derived from his early education, which are united in his mind with the irreſiſtible illuſions of ſelf-love, which are corroborated by his miſtaken principles of religion, it is in vain to hope that, in his more advanced age, he will ſincerely renounce, from any ſubſequent reflection or experience. Such converſions, if ever they happen, are extremely rare; but to expect, that they will be derived from neceſſity, from the jealouſy and reſentment of antagoniſts, from blame, from reproach, from oppoſition, muſt be the reſult of the ſondeſt and moſt blind credulity. Theſe violences, however neceſſary, are ſure to irritate a prince againſt limitations ſo cruelly im- Reaſons on both ſides.

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poſed upon him; and each conceſſion, which he is conſtrained to make, is regarded as a temporary tribute paid to faction and ſedition, and is ſecretly attended with a reſolution of ſeizing every favourable opportunity to retract it. Nor ſhould we imagine, that opportunities of that kind will not offer in the courſe of human affairs. Governments, eſpecially thoſe of a mixed kind, are in continual fluctuation: The humours of the people change perpetually from one extreme to another: And no reſolution can be more wiſe, as well as more juſt, than that of employing the preſent advantages againſt the king, who had formerly puſhed much leſs tempting ones to the utmoſt extremities againſt his people and his parliament. It is to be feared, that, if the religious rage which has ſeized the multitude, be allowed to evaporate, they will quickly return to the ancient eccleſiaſtical eſtabliſhment; and, with it, embrace thoſe principles of ſlavery, which it inculcates with ſuch zeal on its ſubmiſſive proſelytes. Thoſe patriots, who are now the public idols, may then become the objects of general deteſtation; and equal ſhouts of joy attend their ignominious execution, with thoſe which ſecond their preſent advantages and triumphs. Nor ought the apprehenſion of ſuch an event to be regarded in them as a ſelfiſh conſideration: In their ſafety is involved the ſecurity of the laws: The patrons of the conſtitution cannot ſuffer without a fatal blow to the conſtitution: And it is but juſtice in the public to protect, at any hazard, thoſe who have ſo generouſly expoſed themſelves to the utmoſt hazard for the public intereſt. What though monarchy, the ancient government of England, be impaired, during theſe conteſts, in many of its former prerogatives: The laws will flouriſh the more by its decay; and it is happy, allowing that matters are really carried beyond the bounds of moderation, that the current at leaſt runs towards liberty, and that the error is

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on that ſide, which is ſafeſt for the general intereſts of mankind and ſociety. CHAP. LV.

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THE beſt arguments of the royaliſts againſt a farther attack on the prerogative were founded more on oppoſite ideas, which they had formed of the paſt events of this reign, than on oppoſite principles of government. Some invaſions, they ſaid, and thoſe too of moment, had undoubtedly been made on national privileges: But were we to look for the cauſe of theſe violences, we ſhould never find it to conſiſt in the wanton tyranny and injuſtice of the prince, not even in his ambition or immoderate appetite for authority. The hoſtilities with Spain, in which the king, on his acceſſion, found himſelf engaged, however imprudent and unneceſſary, had proceeded from the advice, and even importunity of the parliament; who deſerted him immediately after they had embarked him in thoſe warlike meaſures. A young prince, jealous of honour, was naturally afraid of being foiled in his firſt enterprize, and had not as yet attained ſuch maturity of counſel, as to perceive that his greateſt honour lay in preſerving the laws inviolate, and gaining the full confidence of his people. The rigour of the ſubſequent parliaments had been extreme with regard to many articles, particularly tonnage and poundage; and had reduced the king to an abſolute neceſſity, if he would preſerve entire the royal prerogative, of levying thoſe duties by his own authority, and of breaking through the forms, in order to maintain the ſpirit, of the conſtitution. Having once made ſo perilous a ſtep, he was naturally induced to continue, and to conſult the public intereſt, by impoſing ſhip-money, and other moderate, though irregular, burthens and taxations. A ſure proof, that he had formed no ſyſtem for enſlaving his people is, that the chief object of his government has been to raiſe a naval, not a military force; a project uſeful, honourable, nay indiſpen-

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1641. ſibly requiſite, and in ſpite of his great neceſſities, brought almoſt to a happy concluſion. It is now full time to free him from all theſe neceſſities, and to apply cordials and lenitives, after thoſe ſeverities, which have already had their full courſe againſt him. Never was ſovereign bleſſed with more moderation of temper, with more juſtice, more humanity, more honour, or a more gentle diſpoſition. What pity that ſuch a prince ſhould ſo long have been haraſſed with rigours, ſuſpicions, calumnies, complaints, incroachments; and been forced from that path, in which the rectitude of his principles would have inclined him to have conſtantly trod! If ſome few inſtances are found of violations made on the petition of right, which he himſelf had granted; there is an eaſier and more natural way for preventing the return of like inconveniencies, than by a total abolition of royal authority. Let the revenue be ſettled, ſuitably to the ancient dignity and ſplendor of the crown; let the public neceſſities be fully ſupplied; let the remaining articles of prerogative be left untouched; and the king, as he has already loſt the power, will lay aſide the will, of invading the conſtitution. From what quarter can jealouſies now ariſe? What farther ſecurity can be deſired or expected? The king's preceding conceſſions, ſo far from being inſufficient for public ſecurity, have rather erred on the other extreme; and, by depriving him of all power of ſelf-defence, are the real cauſe why the commons are emboldened to raiſe pretenſions hitherto unheard of in the kingdom, and to ſubvert the whole ſyſtem of the conſtitution. But would they be content with moderate advantages, is it not evident that, beſides other important conceſſions, the preſent parliament may be continued, till the government be accuſtomed to the new track, and every part be reſtored to full harmony and concord? By the triennial act a perpetual ſucceſſion

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ſucceſſion of parliaments is eſtabliſhed, as everlaſting guardians to the laws, while the king poſſeſſes no independent power or military force, by which he can be ſupported in his invaſion of them. No danger remains, but what is inſeparable from all free conſtitutions, and what forms the very eſſence of their freedom: The danger of a change in the people's diſpoſition, and of general diſguſt, contracted againſt popular privileges. To prevent ſuch an evil, no expedient is more proper, than to contain ourſelves within the bounds of moderation, and to conſider, that all extremes, naturally and infallibly, beget each other. In the ſame manner as the paſt uſurpations of the crown, however excuſable on account of the neceſſity or provocations whence they aroſe, have excited an immeaſurable appetite for liberty; let us beware, leſt our encroachments, by introducing anarchy, make the people ſeek ſhelter under the peaceable and deſpotic rule of a monarch. Authority, as well as liberty, is requiſite to government; and is even requiſite to the ſupport of liberty itſelf, by maintaining the laws which can alone regulate and protect it. What madneſs, while every thing is ſo happily ſettled under ancient forms and inſtitutions, now more exactly poiſed and adjuſted, to try the hazardous experiment of a new conſtitution, and renounce the mature wiſdom of our anceſtors for the crude whimſies of turbulent innovators! Beſides the certain and inconceivable miſchiefs of civil war; are not the perils apparent, which the delicate frame of liberty muſt inevitably ſuſtain amidſt the furious ſhock of arms? Whichever ſide prevails, *ſhe* can ſcarcely hope to remain inviolate, and may ſuffer no leſs, or rather greater injuries from the boundleſs pretenſions of forces engaged in her cauſe, than from the invaſion of enraged troops, inliſted on the ſide of monarchy.

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THE king, upon his return from Scotland, was received in London with the ſhouts and acclamations of the people, and with every demonſtration of regard and affection[t]. Sir Richard Gournay, lord mayor, a man of moderation and authority, had promoted theſe favourable diſpoſitions, and had engaged the populace, who ſo lately inſulted the king, and who ſo ſoon after made furious war upon him, to give him theſe marks of their dutiful attachment. But all the pleaſure which Charles reaped from this joyous reception, was ſoon damped by the remonſtrance of the commons, which was preſented him, together with a petition of a like ſtrain. The bad counſels, which he followed, are there complained of; his concurrence in the Iriſh rebellion plainly inſinuated; the ſcheme, laid for the introduction of popery and ſuperſtition, inveighed againſt; and, as a remedy for all theſe evils, he is deſired to entruſt every office and command to perſons, in whom his parliament ſhould have cauſe to confide[u]. By this phraſe, which is ſo often repeated in all the memorials and addreſſes of that time, the commons meant themſelves and their adherents.

As ſoon as the remonſtrance of the commons was publiſhed, the king diſperſed an anſwer to it. In this conteſt, he lay under great diſadvantages. Not only the ears of the people were extremely prejudiced againſt him; the beſt topics, upon which he could juſtify, at leaſt apologize for his former conduct, were ſuch as it was not ſafe or prudent for him at this time to employ. So high was the national idolatry towards parliaments, that to blame the paſt conduct of theſe aſſemblies, would have been very ill received by the generality of the people. So loud were the complaints againſt regal uſurpations,

[t] Ruſhworth, vol. v. p. 429.

[u] Idem, ibid. p. 437. Nalſon, vol. ii. p 692.

that,

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that, had the king aſſerted the prerogative of ſupplying, by his own authority, the deficiencies in government, ariſing from the obſtinacy of the commons, he would have encreaſed the clamours, with which the whole nation already reſounded. Charles, therefore, contented himſelf, with obſerving, in general, that even during that period, ſo much complained of, the people enjoyed a great meaſure of happineſs, not only comparatively, in reſpect of their neighbours, but even in reſpect of thoſe times, which were juſtly accounted the moſt fortunate. He made warm proteſtations of ſincerity in the reformed religion; he promiſed indulgence to tender conſciences with regard to the ceremonies of the church; he mentioned his great conceſſions to national liberty; he blamed the infamous libels every-where diſperſed againſt his perſon and the national religion; he complained of the general reproaches thrown out in the remonſtrance, with regard to ill counſels, though he had protected no miniſter from parliamentary juſtice, retained no unpopular ſervant, and conferred offices on no one who enjoyed not a high character and eſtimation in the public. "If, "notwithſtanding this," he adds, "any malignant party "ſhall take heart, and be willing to ſacrifice the peace "and happineſs of their country to their own ſiniſter "ends and ambition, under whatever pretence of reli- "gion and conſcience; if they ſhall endeavour to leſſen "my reputation and intereſt, and to weaken my lawful "power and authority; if they ſhall attempt, by diſ- "countenancing the preſent laws, to looſen the bands of "government, that all diſorder and confuſion may break "in upon us; I doubt not but God, in his good time, "will diſcover them to me, and that the wiſdom and "courage of my high court of parliament will join with "me in their ſuppreſſion and puniſhment [w]." Nothing

[w] Nalſon, vol. ii. p. 748.

ſhows

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ſhows more evidently the hard ſituation in which Charles was placed, than to obſerve, that he was obliged to confine himſelf within the limits of civility towards ſubjects, who had tranſgreſſed all bounds of regard, and even of good manners, in the treatment of their ſovereign.

THE firſt inſtance of thoſe parliamentary encroachments, which Charles was now to look for, was, the bill for preſſing ſoldiers to the ſervice of Ireland. This bill quickly paſſed the lower houſe. In the preamble, the king's power of preſſing, a power exercifed during all former times, was declared illegal, and contrary to the liberty of the ſubject. By a neceſſary conſequence, the prerogative, which the crown had ever aſſumed, of obliging men to accept of any branch of public ſervice, was aboliſhed and annihilated: A prerogative, it muſt be owned, not very compatible with a limited monarchy. In order to elude this law, the king offered to raiſe 10,000 volunteers for the Iriſh ſervice: But the commons were afraid leſt ſuch an army ſhould be too much at his devotion. Charles, ſtill unwilling to ſubmit to ſo conſiderable a diminution of power, came to the houſe of peers, and offered to paſs the law without the preamble; by which means, he ſaid, that ill-timed queſtion with regard to the prerogative would for the preſent be avoided, and the pretenſions of each party be left entire. Both houſes took fire at this meaſure, which, from a ſimilar inſtance, while the bill of attainder againſt Strafford was in dependence, Charles might foreſee, would be received with reſentment. The lords, as well as commons, paſſed a vote, declaring it to be a high breach of privilege for the king to take notice of any bill, which was in agitation in either of the houſes, or to expreſs his ſentiments with regard to it, before it be preſented to him for

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for his assent in a parliamentary manner. The king was obliged to compose all matters by an apology [x].

The general question, we may observe, with regard to privileges of parliament, has always been, and still continues, one of the greatest mysteries in the English constitution; and, in some respects, notwithstanding the accurate genius of that government, these privileges are at present as undetermined as were formerly the prerogatives of the crown. Such privileges as are founded on long precedent cannot be controverted: But though it were certain, that former kings had not, in any instance, taken notice of bills lying before the houses (which yet appears to have been very common), it follows not, merely from their never exerting such a power, that they had renounced it, or never were possessed of it. Such privileges also as are essential to all free assemblies which deliberate, they may be allowed to assume, whatever precedents may prevail: But though the king's interposition, by an offer or advice, does in some degree overawe or restrain liberty; it may be doubted, whether it imposes such evident violence as to entitle the parliament, without any other authority or concession, to claim the privilege of excluding it. But this was the favourable time for extending privileges; and had none more exorbitant or unreasonable been challenged, few bad consequences had followed. The establishment of this rule, it is certain, contributes to the order and regularity, as well as freedom, of parliamentary proceedings.

The interposition of peers in the election of commoners was likewise about this time declared a breach of privilege; and continues ever since to be condemned by votes of the commons, and universally practised throughout the nation.

x Rushworth, vol. v. p. 457, 458, &c. Clarendon, vol. ii. p. 327. Nalson, vol. ii. p. 738. 750, 751, &c.

Every

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EVERY meaſure purſued by the commons, and, ſtill more, every attempt made by their partizans, were full of the moſt inveterate hatred againſt the hierarchy, and ſhowed a determined reſolution of ſubverting the whole eccleſiaſtical eſtabliſhment. Beſides numberleſs vexations and perſecutions, which the clergy underwent from the arbitrary power of the lower houſe; the peers, while the king was in Scotland, having paſſed an order for the obſervance of the laws with regard to public worſhip, the commons aſſumed ſuch authority, that, by a vote alone of their houſe, they ſuſpended thoſe laws, though enacted by the whole legiſlature: And they particularly forbade bowing at the name of Jeſus; a practice which gave them the higheſt ſcandal, and which was one of their capital objections againſt the eſtabliſhed religion[y]. They complained of the king's filling five vacant ſees, and conſidered it as an inſult upon them, that he ſhould complete and ſtrengthen an order, which they intended ſoon entirely to aboliſh[z]. They had accuſed thirteen biſhops of high treaſon, for enacting canons without conſent of parliament[a], though, from the foundation of the monarchy, no other method had ever been practiſed: And they now inſiſted, that the peers, upon this general accuſation, ſhould ſequeſter thoſe biſhops from their ſeats in parliament, and commit them to priſon. Their bill for taking away the biſhops' votes had laſt winter been rejected by the peers: But they again introduced the ſame bill, though no prorogation had intervened; and they endeavoured, by ſome minute alterations, to elude that rule of parliament, which oppoſed them. And when they ſent up this bill to the lords, they made a demand, the moſt abſurd in the world, that the biſhops, being all of them parties, ſhould be refuſed

y Ruſhworth, vol. v. p. 385, 386. Nalſon, vol. ii. p. 482.
z Nalſon, vol. ii. p. 511. a Ruſh. vol. v. p. 359.

a vote

a vote with regard to that queſtion [b]. After the reſolution was once formed by the commons, of invading the eſtabliſhed government of church and ſtate, it could not be expected that their proceedings, in ſuch a violent attempt, would thenceforth be altogether regular and equitable: But it muſt be confeſſed, that, in their attack on the hierarchy, they ſtill more openly paſſed all bounds of moderation; as ſuppoſing, no doubt, that the ſacredneſs of the cauſe would ſufficiently atone for employing means the moſt irregular and unprecedented. This principle, which prevails ſo much among zealots, never diſplayed itſelf ſo openly as during the tranſactions of this whole period. CHAP. LV. 1641.

But, notwithſtanding theſe efforts of the commons, they could not expect the concurrence of the upper houſe, either to this law, or to any other which they ſhould introduce for the farther limitation of royal authority. The majority of the peers adhered to the king, and plainly foreſaw the depreſſion of nobility, as a neceſſary conſequence of popular uſurpations on the crown. The inſolence, indeed, of the commons, and their haughty treatment of the lords, had already riſen to a great height, and gave ſufficient warning of their future attempts upon that order. They muttered ſomewhat of their regret that they ſhould be obliged to ſave the kingdom alone, and that the houſe of peers would have no part in the honour. Nay, they went ſo far as openly to tell the lords, "That "they themſelves were the repreſentative body of the "whole kingdom, and that the peers were nothing but "individuals, who held their ſeats in a particular capa-"city: And therefore, if their lordſhips will not con-"ſent to the paſſing of acts neceſſary for the preſervation "of the people, the commons, together with ſuch of the "lords as are more ſenſible of the danger, muſt join

[b] Clarendon, vol. ii p. 304.

"together,

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"together, and repreſent the matter to his majeſty[c]." So violent was the democratical, enthuſiaſtic ſpirit diffuſed throughout the nation, that a total confuſion of all rank and order was juſtly to be apprehended; and the wonder was not, that the majority of the nobles ſhould ſeek ſhelter under the throne, but that any of them ſhould venture to deſert it. But the tide of popularity ſeized many, and carried them wide of the moſt eſtabliſhed maxims of civil policy. Among the opponents of the king are ranked the earl of Northumberland, lord admiral, a man of the firſt family and fortune, and endowed with that dignified pride which ſo well became his rank and ſtation: The earl of Eſſex, who inherited all his father's popularity, and having, from his early youth, ſought renown in arms, united to a middling capacity that rigid inflexibility of honour which forms the proper ornament of a nobleman and a ſoldier: Lord Kimbolton, ſoon after earl of Mancheſter, a perſon diſtinguiſhed by humanity, generoſity, affability, and every amiable virtue. Theſe men, finding that their credit ran high with the nation, ventured to encourage thoſe popular diſorders, which, they vainly imagined, they poſſeſſed authority ſufficient to regulate and controul.

In order to obtain a majority in the upper houſe, the commons had recourſe to the populace, who, on other occaſions, had done them ſuch important ſervice. Amidſt the greateſt ſecurity, they affected continual fears of deſtruction to themſelves and the nation, and ſeemed to quake at every breath or rumour of danger. They again excited the people by never-ceaſing enquiries after conſpiracies, by reports of inſurrections, by feigned intelligence of invaſions from abroad, by diſcoveries of dangerous combinations at home among papiſts and their adherents. When Charles diſmiſſed the guard which they had or-

[c] Clarendon, vol. ii. p. 415.

dered

dered during his abſence, they complained; and, upon his promiſing them a new guard, under the command of the earl of Lindeſey, they abſolutely refuſed the offer, and were well pleaſed to inſinuate, by this inſtance of jealouſy, that their danger chiefly aroſe from the king himſelf[d]. They ordered halberts to be brought into the hall where they aſſembled, and thus armed themſelves againſt thoſe conſpiracies with which, they pretended, they were hourly threatened. All ſtories of plots, however ridiculous, were willingly attended to, and were diſperſed among the multitude, to whoſe capacity they were well adapted. Beale, a taylor, informed the commons, that, walking in the fields, he had hearkened to the diſcourſe of certain perſons, unknown to him, and had heard them talk of a moſt dangerous conſpiracy. A hundred and eight ruffians, as he learned, had been appointed to murder a hundred and eight lords and commoners, and were promiſed rewards for theſe aſſaſſinations, ten pounds for each lord, forty ſhillings for each commoner. Upon this notable intelligence, orders were iſſued for ſeizing prieſts and jeſuits, a conference was deſired with the lords, and the deputy-lieutenants of ſome ſuſpected counties were ordered to put the people in a poſture of defence[e]. CHAP. LV. 1641.

THE pulpits likewiſe were called in aid, and reſounded with the dangers which threatened religion, from the deſperate attempts of papiſts and malignants. Multitudes flocked towards Weſtminſter, and inſulted the prelates and ſuch of the lords as adhered to the crown. The peers voted a declaration againſt thoſe tumults, and ſent it to the lower houſe; but theſe refuſed their concurrence[f]. Some ſeditious apprentices, being ſeized and

[d] Journ. 30th Nov. 1641. Nalſon, vol. ii. p. 688. [e] Nalſon, vol. ii. p. 646. Journ. 16th Nov. 1641. Dugdale, p. 77. [f] Ruſhworth, part iii. vol. i. p. 710.

committed

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committed to priſon, immediately received their liberty, by an order of the commons [g]. The ſheriffs and juſtices having appointed conſtables with ſtrong watches to guard the parliament, the commons ſent for the conſtables, and required them to diſcharge the watches, convened the juſtices, voted their orders a breach of privilege, and ſent one of them to the Tower [h]. Encouraged by theſe intimations of their pleaſure, the populace crowded about Whitehall, and threw out inſolent menaces againſt Charles himſelf. Several reduced officers and young gentlemen of the inns of court, during this time of diſorder and danger, offered their ſervice to the king. Between them and the populace there paſſed frequent ſkirmiſhes, which ended not without bloodſhed. By way of reproach, theſe gentlemen gave the rabble the appellation of ROUNDHEADS, on account of the ſhort cropt hair which they wore: Theſe called the others CAVALIERS. And thus the nation, which was before ſufficiently provided with religious as well as civil cauſes of quarrel, was alſo ſupplied with party-names, under which the factions might rendezvous, and ſignalize their mutual hatred [i].

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MEANWHILE the tumults ſtill continued, and even encreaſed, about Weſtminſter and Whitehall. The cry inceſſantly reſounded againſt *biſhops and rotten-hearted lords* [k]. The former eſpecially, being diſtinguiſhable by their habit, and being the object of violent hatred to all the ſectaries, were expoſed to the moſt dangerous inſults [l]. Williams, now created archbiſhop of York, having been abuſed by the populace, haſtily called a meeting of his brethren. By his advice, a proteſtation was drawn, and addreſſed to the king and the houſe of lords.

Decemb. 27.

[g] Nalſon, vol. ii. p. 784. 792. [h] Ibid. p. 792. Journ. 27th, 28th, and 29th of December, 1641. [i] Clarendon, vol. ii. p. 339. [k] Idem, ibid. p. 336. [l] Dugdale, p. 78.

The

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The biſhops there ſet forth, that though they had an undoubted right to ſit and vote in parliament, yet in coming thither, they had been menaced, aſſaulted, affronted, by the unruly multitude, and could no longer with ſafety attend their duty in the houſe. For this reaſon they proteſted againſt all laws, votes, and reſolutions, as null and invalid, which ſhould paſs during the time of their conſtrained abſence. This proteſtation, which, though juſt and legal, was certainly ill-timed, was ſigned by twelve biſhops, and communicated to the king, who haſtily approved of it. As ſoon as it was preſented to the lords, that houſe deſired a conference with the commons, whom they informed of this unexpected proteſtation. The opportunity was ſeized with joy and triumph. An impeachment of high treaſon was immediately ſent up againſt the biſhops, as endeavouring to ſubvert the fundamental laws, and to invalidate the authority of the legiſlature[m]. They were, on the firſt demand, ſequeſtrated from parliament, and committed to cuſtody. No man, in either houſe, ventured to ſpeak a word in their vindication; ſo much diſpleaſed was every one at the egregious imprudence of which they had been guilty. One perſon alone ſaid, that he did not believe them guilty of high treaſon; but that they were ſtark mad, and therefore deſired they might be ſent to bedlam[n]. 1642. Impeachment of biſhops.

A FEW days after, the king was betrayed into another indiſcretion, much more fatal: An indiſcretion, to which all the enſuing diſorders and civil wars ought immediately and directly to be aſcribed. This was the impeachment of lord Kimbolton and the five members. 1642.

WHEN the commons employed, in their remonſtrance, language ſo ſevere and indecent, they had not been actuated

[m] Whitlocke, p. 51. Ruſhworth, vol. v. p. 466. Nalſon, vol. ii. p. 794. [n] Clarendon, vol. ii. p. 355.

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entirely by infolence and paſſion: Their views were more ſolid and profound. They conſidered, that, in a violent attempt, ſuch as an invaſion of the ancient conſtitution, the more leiſure was afforded the people to reflect, the leſs would they be inclined to ſecond that raſh and dangerous enterprize; that the peers would certainly refuſe their concurrence, nor were there any hopes of prevailing on them, but by inſtigating the populace to tumult and diſorder; that the employing of ſuch odious means for ſo invidious an end, would, at long-run, loſe them all their popularity, and turn the tide of favour to the contrary party; and that, if the king only remained in tranquillity, and cautiouſly eluded the firſt violence of the tempeſt, he would, in the end, certainly prevail, and be able at leaſt to preſerve the ancient laws and conſtitution. They were therefore reſolved, if poſſible, to excite him to ſome violent paſſion; in hopes that he would commit indiſcretions, of which they might make advantage.

It was not long before they ſucceeded beyond their fondeſt wiſhes. Charles was enraged to find that all his conceſſions but encreaſed their demands; that the people, who were returning to a ſenſe of duty towards him, were again rouſed to ſedition and tumults; that the blackeſt calumnies were propagated againſt him, and even the Iriſh maſſacre aſcribed to his counſels and machinations; and that a method of addreſs was adopted not only unſuitable towards ſo great a prince, but which no private gentleman could bear without reſentment. When he conſidered all theſe increaſing acts of inſolence in the commons, he was apt to aſcribe them, in a great meaſure, to his own indolence and facility. The queen and the ladies of the court farther ſtimulated his paſſion, and repreſented, that, if he exerted the vigour, and diſplayed the majeſty of a monarch, the daring uſurpations of his ſubjects

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ſubjects would ſhrink before him. Lord Digby, a man of fine parts, but full of levity, and hurried on by precipitate paſſions, ſuggeſted like counſels; and Charles, who, though commonly moderate in his temper, was ever diſpoſed to haſty reſolutions, gave way to the fatal importunity of his friends and ſervants [o].

Accuſation of the five members.

HERBERT, attorney general, appeared in the houſe of peers, and, in his majeſty's name, entered an accuſation of high treaſon againſt lord Kimbolton and five commoners, Hollis, Sir Arthur Hazlerig, Hambden, Pym, and Strode. The articles were, That they had traiterouſly endeavoured to ſubvert the fundamental laws and government of the kingdom, to deprive the king of his regal power, and to impoſe on his ſubjects an arbitrary and tyrannical authority; that they had endeavoured, by many foul aſperſions on his majeſty and his government, to alienate the affections of his people, and make him odious to them; that they had attempted to draw his late army to diſobedience of his royal commands, and to ſide with them in their traiterous deſigns; that they had invited and encouraged a foreign power to invade the kingdom; that they had aimed at ſubverting the rights and very being of parliament; that, in order to complete their traiterous deſigns, they had endeavoured, as far as in them lay, by force and terror, to compel the parliament to join with them, and, to that end, had actually raiſed and countenanced tumults againſt the king and parliament; and that they had traiterouſly conſpired to levy, and actually had levied, war againſt the king [p].

THE whole world ſtood amazed at this important accuſation, ſo ſuddenly entered upon, without concert, deliberation, or reflection. Some of theſe articles of accuſation, men ſaid, to judge by appearance, ſeem to be

[o] Clarendon, vol. ii. p. 360. [p] Whitlocke, p. 50. Ruſhworth, vol. v. p. 473. Nalſon, vol. ii. p. 811. Franklyn, p. 906.

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common between the impeached members and the parliament; nor did theſe perſons appear any farther active in the enterprizes of which they were accuſed, than ſo far as they concurred with the majority in their votes and ſpeeches. Though proofs might, perhaps, be produced, of their privately inviting the Scots to invade England; how could ſuch an attempt be conſidered as treaſon, after the act of oblivion which had paſſed, and after that both houſes, with the king's concurrence, had voted that nation three hundred thouſand pounds for their brotherly aſſiſtance! While the houſe of peers are ſcarcely able to maintain their independency, or to reject the bills ſent them by the commons; will they ever be permitted by the populace, ſuppoſing them inclined, to paſs a ſentence, which muſt totally ſubdue the lower houſe, and put an end to their ambitious undertakings? Theſe five members, at leaſt Pym, Hambden, and Hollis, are the very heads of the popular party; and if theſe be taken off, what fate muſt be expected by their followers, who are many of them accomplices in the ſame treaſon? The puniſhment of leaders is ever the laſt triumph over a broken and routed party; but ſurely was never before attempted, in oppoſition to a faction, during the full tide of its power and ſucceſs.

But men had not leiſure to wonder at the indiſcretion of this meaſure: Their aſtoniſhment was excited by new attempts, ſtill more precipitate and imprudent. A ſerjeant at arms, in the king's name, demanded of the houſe the five members; and was ſent back without any poſitive anſwer. Meſſengers were employed to ſearch for them and arreſt them. Their trunks, chambers, and ſtudies, were ſealed, and locked. The houſe voted all theſe acts of violence to be breaches of privilege, and commanded every one to defend the liberty of the members [q].

[q] Whitlocke, p. 52. Ruſhworth, vol. v. p. 474, 475.

The

The king, irritated by all this oppoſition, reſolved next day to come in perſon to the houſe, with an intention to demand, perhaps ſeize in their preſence, the perſons whom he had accuſed. CHAP. LV. 1642.

THIS reſolution was diſcovered to the counteſs of Carliſle, ſiſter to Northumberland, a lady of ſpirit, wit, and intrigue[r]. She privately ſent intelligence to the five members; and they had time to withdraw, a moment before the king entered. He was accompanied by his ordinary retinue to the number of above two hundred, armed as uſual, ſome with halberts, ſome with walking ſwords. The king left them at the door, and he himſelf advanced alone through the hall; while all the members roſe to receive him. The ſpeaker withdrew from his chair, and the king took poſſeſſion of it. The ſpeech, which he made, was as follows: "Gentlemen, I am "ſorry for this occaſion of coming to you. Yeſterday, "I ſent a ſerjeant at arms, to demand ſome, who, by my "order, were accuſed of high treaſon. Inſtead of obe-"dience, I received a meſſage. I muſt here declare to "you, that, though no king, that ever was in England, "could be more careful of your privileges than I ſhall "be, yet in caſes of treaſon no perſon has privilege. "Therefore, am I come to tell you, that I muſt have "theſe men whereſoever I can find them. Well, ſince "I ſee all the birds are flown, I do expect that you will "ſend them to me as ſoon as they return. But I aſſure "you, on the word of a king, I never did intend any "force, but ſhall proceed againſt them in a fair and legal "way: For I never meant any other. And now ſince "I ſee I cannot do what I came for, I think this is no "unfit occaſion to repeat what I have ſaid formerly, that "whatever I have done in favour and to the good of my "ſubjects, I do intend to maintain it[s]."

[r] Whitlocke, p. 51. Warwick, p. 204. [s] Whitlocke, p. 50.

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When the king was looking around for the accuſed members, he aſked the ſpeaker, who ſtood below, whether any of theſe perſons were in the houſe? The ſpeaker, falling on his knee, prudently replied: "I have, Sir, "neither eyes to ſee, nor tongue to ſpeak in this place, "but as the houſe is pleaſed to direct me, whoſe ſervant "I am. And I humbly aſk pardon, that I cannot give "any other anſwer to what your majeſty is pleaſed to "demand of me[t]."

The commons were in the utmoſt diſorder; and, when the king was departing, ſome members cried aloud, ſo as he might hear them, *Privilege! privilege!* And the houſe immediately adjourned till next day[u].

That evening, the accuſed members, to ſhow the greater apprehenſion, removed into the city, which was their fortreſs. The citizens were the whole night in arms. Some people, who were appointed for that purpoſe, or perhaps actuated by their own terrors, ran from gate to gate, crying out, that the cavaliers were coming to burn the city, and that the king himſelf was at their head.

Next morning Charles ſent to the mayor, and ordered him to call a common-council immediately. About ten o'clock, he himſelf, attended only by three or four lords, went to Guildhall. He told the common-council, that he was ſorry to hear of the apprehenſions entertained of him; that he was come to them without any guard, in order to ſhow how much he relied on their affections; and that he had accuſed certain men of high-treaſon, againſt whom he would proceed in a legal way, and therefore preſumed that they would not meet with protection in the city. After many other gracious expreſſions, he told one of the ſheriffs, who of the two was thought the leaſt inclined to his ſervice, that he would dine with him. He

[t] Whitlocke, p. 50. May, book ii. p. 20. [u] Whitlocke, p. 51.

departed

departed the hall without receiving the applauſe which he expected. In paſſing through the ſtreets, he heard the cry, *Privilege of parliament! privilege of parliament!* refounding from all quarters. One of the populace, more inſolent than the reſt, drew nigh to his coach, and called out with a loud voice, *To your tents, O Iſrael!* the words employed by the mutinous Iſraelites, when they abandoned Rehoboam, their raſh and ill-counſelled ſovereign [w]. CHAP. LV. 1642.

WHEN the houſe of commons met, they affected the greateſt diſmay; and adjourning themſelves for ſome days, ordered a committee to ſit in merchant-taylors hall in the city. The committee made an exact enquiry into all circumſtances attending the king's entry into the houſe: Every paſſionate ſpeech, every menacing geſture of any, even the meaneſt, of his attendants, was recorded and aggravated. An intention of offering violence to the parliament, of ſeizing the accuſed members in the very houſe, and of murdering all who ſhould make reſiſtance, was inferred. And that unparalleled breach of privilege, ſo it was called, was ſtill aſcribed to the counſel of papiſts and their adherents. This expreſſion, which then recurred every moment in ſpeeches and memorials, and which, at preſent, is ſo apt to excite laughter in the reader, begat at that time the deepeſt and moſt real conſternation throughout the kingdom.

A LETTER was pretended to be intercepted, and was communicated to the committee, who pretended to lay great ſtreſs upon it. One catholic there congratulates another on the accuſation of the members; and repreſents that incident as a branch of the ſame pious contrivance, which had excited the Iriſh inſurrection, and by which the profane heretics would ſoon be exterminated in England [x].

[w] Ruſh. vol. v. p. 479. Clarendon, vol. ii. p. 361.
[x] Nalſon, vol. ii. p. 836.

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THE houſe again met; and, after confirming the votes of their committee, inſtantly adjourned, as if expoſed to the moſt imminent perils from the violence of their enemies. This practice they continued for ſome time. When the people, by theſe affected panics, were wrought up to a ſufficient degree of rage and terror, it was thought proper, that the accuſed members ſhould, with a triumphant and military proceſſion, take their ſeats in the houſe. The river was covered with boats, and other veſſels, laden with ſmall pieces of ordnance, and prepared for fight. Skippon, whom the parliament had appointed, by their own authority, major-general of the city-militia[y], conducted the members, at the head of this tumultuary army, to Weſtminſter-hall. And when the populace, by land and by water, paſſed Whitehall, they ſtill aſked with inſulting ſhouts, *What has become of the king and his cavaliers? And whither are they fled?*[z]

Tumult.

King leaves London.

THE king, apprehenſive of danger from the enraged multitude, had retired to Hampton-court, deſerted by all the world, and overwhelmed with grief, ſhame, and remorſe, for the fatal meaſures into which he had been hurried. His diſtreſſed ſituation he could no longer aſcribe to the rigors of deſtiny, or the malignity of enemies: His own precipitancy and indiſcretion muſt bear the blame of whatever diſaſters ſhould henceforth befal him. The moſt faithful of his adherents, between ſorrow and indignation, were confounded with reflections on what had happened, and what was likely to follow. Seeing every proſpect blaſted, faction triumphant, the diſcontented populace inflamed to a degree of fury, they utterly deſpaired of ſucceſs, in a cauſe, to whoſe ruin friends and enemies ſeemed equally to conſpire.

[y] Nalſon, vol. ii. p. 833. Clarendon, vol. ii. p. 380.

[z] Whitlocke, p. 52. Dugdale, p. 82.

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THE prudence of the king, in his conduct of this affair, nobody pretended to juſtify. The legality of his proceedings met with many and juſt apologies; though generally offered to unwilling ears. No maxim of law, it was ſaid, is more eſtabliſhed or more univerſally allowed, than that privilege of parliament extends not to treaſon, felony, or breach of peace; nor has either houſe, during former ages, ever pretended, in any of thoſe caſes, to interpoſe in behalf of its members. Though ſome inconveniences ſhould reſult from the obſervance of this maxim; that would not be ſufficient, without other authority, to aboliſh a principle eſtabliſhed by uninterrupted precedent, and founded on the tacit conſent of the whole legiſlature. But what are the inconveniences ſo much dreaded? The king, on pretence of treaſon, may ſeize any members of the oppoſite faction, and, for a time, gain to his partizans the majority of voices. But if he ſeize only a few; will he not loſe more friends, by ſuch a groſs artifice, than he confines enemies? If he ſeize a great number; is not this expedient force, open and barefaced? And what remedy, at all times, againſt ſuch force, but to oppoſe to it a force which is ſuperior? Even allowing that the king intended to employ violence, not authority, for ſeizing the members; though at that time, and ever afterwards, he poſitively aſſerted the contrary; yet will his conduct admit of excuſe. That the hall, where the parliament aſſembles, is an inviolable ſanctuary, was never yet pretended. And if the commons complain of the affront offered them, by an attempt to arreſt their members in their very preſence; the blame muſt lie entirely on themſelves, who had formerly refuſed compliance with the king's meſſage, when he peaceably demanded theſe members. The ſovereign is the great executor of the laws; and his preſence was here legally employed, both in order to prevent oppoſition, and to protect

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protect the houſe againſt thoſe inſults which their diſobedience had ſo well merited.

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CHARLES knew to how little purpoſe he ſhould urge theſe reaſons againſt the preſent fury of the commons. He propoſed, therefore, by a meſſage, that they would agree upon a legal method, by which he might carry on his proſecution againſt the members, leſt farther miſunderſtandings happen with regard to privilege. They deſired him to lay the grounds of accuſation before the houſe; and pretended that they muſt firſt judge, whether it were proper to give up their members to a legal trial. The king then informed them, that he would wave, for the preſent, all proſecution: By ſucceſſive meſſages, he afterwards offered a pardon to the members; offered to concur in any law that ſhould acquit or ſecure them; offered any reparation to the houſe for the breach of privilege, of which, he acknowledged, they had reaſon to complain [b]. They were reſolved to accept of no ſatisfaction, unleſs he would diſcover his adviſers in that illegal meaſure: A condition, to which, they knew, that, without rendering himſelf for ever vile and contemptible, he could not poſſibly ſubmit. Meanwhile, they continued to thunder againſt the violation of parliamentary privileges, and, by their violent outcries, to inflame the whole nation. The ſecret reaſon of their diſpleaſure, however obvious, they carefully concealed. In the king's accuſation of the members, they plainly ſaw his judgment of late parliamentary proceedings; and every adherent of the ruling faction dreaded the ſame fate, ſhould royal authority be re-eſtabliſhed in its ancient luſtre. By the moſt unhappy conduct, Charles, while he extremely augmented, in his opponents, the will, had alſo encreaſed the ability, of hurting him.

[b] Dugdale, p. 84. Ruſhworth, vol. v. p. 484. 488. 492, &c.

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THE more to excite the people, whoſe diſpoſitions were already very ſeditious, the expedient of petitioning was renewed. A petition from the county of Buckingham was preſented to the houſe by ſix thouſand ſubſcribers, who promiſed to live and die in defence of the privileges of parliament [c]. The city of London, the county of Eſſex, that of Hertford, Surrey, Berks, imitated the example. A petition from the apprentices was graciouſly received [d]. Nay, one was encouraged from the porters; whoſe numbers amounted, as they ſaid, to fifteen thouſand [e]. The addreſs of that great body contained the ſame articles with all the others; the privileges of parliament, the danger of religion, the rebellion of Ireland, the decay of trade. The porters farther deſired, that juſtice might be done upon offenders, as the atrociouſneſs of their crimes had deſerved. And they added, *That if ſuch remedies were any longer ſuſpended, they ſhould be forced to extremities not fit to be named, and make good the ſaying*, "That neceſſity has no law [f]."

ANOTHER petition was preſented by ſeveral poor people, or beggars, in the name of many thouſands more; in which the petitioners propoſed as a remedy for the public miſeries, *That thoſe noble worthies of the houſe of peers, who concur with the happy votes of the commons, may ſeparate themſelves from the reſt, and ſit and vote as one intire body.* The commons gave thanks for this petition [g].

THE very women were ſeized with the ſame rage. A brewer's wife, followed by many thouſands of her ſex, brought a petition to the houſe; in which the petitioners expreſſed their terror of the papiſts and prelates, and their dread of like maſſacres, rapes, and outrages, with thoſe which had been committed upon their ſex in Ireland. They had been neceſſitated, they ſaid, to imitate the ex-

[c] Ruſhworth, vol. v. p. 487.
[d] Idem, ibid. p. 462.
[e] Dugdale, p. 87.
[f] Clarendon, vol. ii. p. 412.
[g] Idem, ibid. p. 413.

ample

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ample of the woman of Tekoah: And they claimed equal right with the men, of declaring, by petition, their ſenſe of the public cauſe; becauſe Chriſt had purchaſed them at as dear a rate, and in the free enjoyment of Chriſt conſiſts equally the happineſs of both ſexes. Pym came to the door of the houſe; and, having told the female zealots, that their petition was thankfully accepted, and was preſented in a ſeaſonable time, he begged that their prayers for the ſucceſs of the commons might follow their petition. Such low arts of popularity were affected! And by ſuch illiberal cant were the unhappy people incited to civil diſcord and convulſions!

In the mean time, not only all petitions, which favoured the church or monarchy, from whatever hand they came, were diſcouraged; but the petitioners were ſent for, impriſoned, and proſecuted as delinquents: And this unequal conduct was openly avowed and juſtified. Whoever deſire a change, it was ſaid, muſt expreſs their ſentiments; for how, otherwiſe, ſhall they be known? But thoſe who favour the eſtabliſhed government in church or ſtate, ſhould not petition; becauſe they already enjoy what they wiſh for[h].

The king had poſſeſſed a great party in the lower houſe, as appeared in the vote for the remonſtrance; and this party, had every new cauſe of diſguſt been carefully avoided, would ſoon have become the majority; from the odium attending the violent meaſures embraced by the popular leaders. A great majority he always poſſeſſed in the houſe of peers, even after the biſhops were confined or chaſed away; and this majority could not have been overcome, but by outrages, which, in the end, would have drawn diſgrace and ruin on thoſe who incited them. By the preſent fury of the people, as by an inundation, were all theſe obſtacles ſwept away, and every

[h] Clarendon, vol. ii. p. 449.

rampart

rampart of royal authority laid level with the ground. The victory was purſued with impetuoſity by the ſagacious commons, who knew the importance of a favourable moment in all popular commotions. The terror of their authority they extended over the whole nation; and all oppoſition, and even all blame vented in private converſation, were treated as the moſt atrocious crimes, by theſe ſevere inquiſitors. Scarcely was it permitted to find fault with the conduct of any particular member, if he made a figure in the houſe; and reflections, thrown out on Pym, were at this time treated as breaches of privilege. The populace without doors were ready to execute, from the leaſt hint, the will of their leaders; nor was it ſafe for any member to approach either houſe, who pretended to controul or oppoſe the general torrent. After ſo undiſguiſed a manner was this violence conducted, that Hollis, in a ſpeech to the peers, deſired to know the names of ſuch members as ſhould vote contrary to the ſentiments of the commons [1]: And Pym ſaid in the lower houſe, that the people muſt not be reſtrained in the expreſſions of their juſt deſires [k].

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By the flight, or terror, or deſpondency of the king's party, an undiſputed majority remained every-where to their opponents; and the bills ſent up by the commons, which had hitherto ſtopped with the peers, and would certainly have been rejected, now paſſed, and were preſented for the royal aſſent. Theſe were, the preſſing bill with its preamble, and the bill againſt the votes of the biſhops in parliament. The king's authority was at that time reduced to the loweſt ebb. The queen too, being ſecretly threatened with an impeachment, and finding no reſource in her huſband's protection, was preparing to retire into Holland. The rage of the people was, on account of her religion, as well as her ſpirit and activity,

1 King's Declar. of 12th of Auguſt, 1642. k Ibid.

univerſally

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univerſally levelled againſt her. Uſage, the moſt contumelious, ſhe had hitherto borne with ſilent indignation. The commons, in their fury againſt prieſts, had ſeized her very confeſſor; nor would they releaſe him upon her repeated applications. Even a viſit of the prince to his mother had been openly complained of, and remonſtrances againſt it had been preſented to her[l]. Apprehenſive of attacks ſtill more violent, ſhe was deſirous of facilitating her eſcape; and ſhe prevailed with the king to paſs thoſe bills, in hopes of appeaſing, for a time, the rage of the multitude[m].

THESE new conceſſions, however important, the king immediately found to have no other effect, than had all the preceding ones: They were made the foundation of demands ſtill more exorbitant. From the facility of his diſpoſition, from the weakneſs of his ſituation, the commons believed, that he could now refuſe them nothing. And they regarded the leaſt moment of relaxation, in their invaſion of royal authority, as highly impolitic, during the uninterrupted torrent of their ſucceſſes. The very moment they were informed of theſe laſt acquiſitions, they affronted the queen, by opening ſome intercepted letters written to her by lord Digby: They carried up an impeachment againſt Herbert, attorney-general, for obeying his maſter's commands in accuſing their members[n]. And they proſecuted, with freſh vigour, their plan of the militia, on which they reſted all future hopes of an uncontrouled authority.

THE commons were ſenſible, that monarchical government, which, during ſo many ages, had been eſtabliſhed in England, would ſoon regain ſome degree of its former dignity, after the preſent tempeſt was overblown; nor would all their new-invented limitations be able totally

[l] Nalſon, vol. ii. p. 512. [m] Clarendon, vol. ii. p. 428.
[n] Ruſh. vol. v. p. 489. Clarendon, vol. ii. p. 385.

to

to ſuppreſs an authority, to which the nation had ever been accuſtomed. The ſword alone, to which all human ordinances muſt ſubmit, could guard their acquired power, and fully enſure to them perſonal ſafety againſt the riſing indignation of their ſovereign. This point, therefore, became the chief object of their aims. A large magazine of arms being placed in the town of Hull, they diſpatched thither Sir John Hotham, a gentleman of conſiderable fortune in the neighbourhood, and of an ancient family; and they gave him the authority of governor. They ſent orders to Goring, governor of Portſmouth, to obey no commands but ſuch as he ſhould receive from the parliament. Not content with having obliged the king to diſplace Lunsford, whom he had appointed governor of the Tower[o], they never ceaſed ſoliciting him, till he had alſo diſplaced Sir John Biron, a man of unexceptionable character, and had beſtowed that command on Sir John Conyers, in whom alone, they ſaid, they could repoſe confidence. After making a fruitleſs attempt, in which the peers refuſed their concurrence, to give public warning, that the people ſhould put themſelves in a poſture of defence againſt the enterprizes of *papiſts and other ill-affected perſons*[p], they now reſolved, by a bold and deciſive ſtroke, to ſeize at once the whole power of the ſword, and to confer it entirely on their own creatures and adherents.

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THE ſevere votes, paſſed in the beginning of this parliament, againſt lieutenants and their deputies, for exerciſing powers aſſumed by all their predeceſſors, had totally diſarmed the crown, and had not left in any magiſtrate military authority ſufficient for the defence and ſecurity of the nation. To remedy this inconvenience now appeared neceſſary. A bill was introduced and paſſed the two houſes, which reſtored to lieutenants and deputies

[o] Ruſh. vol. v. p. 459. [p] Nalſon, vol. ii. p. 850.

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the ſame powers of which the votes of the commons had bereaved them; but at the ſame time the names of all the lieutenants were inſerted in the bill; and theſe conſiſted entirely of men in whom the parliament could confide. And for their conduct, they were accountable, by the expreſs terms of the bill, not to the king, but to the parliament.

THE policy purſued by the commons, and which had hitherto ſucceeded to admiration, was, to aſtoniſh the king by the boldneſs of their enterprizes, to intermingle no ſweetneſs with their ſeverity, to employ expreſſions no leſs violent than their pretenſions, and to make him ſenſible in what little eſtimation they held both his perſon and his dignity. To a bill ſo deſtructive of royal authority, they prefixed, with an inſolence ſeemingly wanton, a preamble equally diſhonourable to the perſonal character of the king. Theſe are the words: "Whereas there has "been of late a moſt dangerous and deſperate deſign "upon the houſe of commons, which we have juſt cauſe "to believe an effect of the bloody counſels of papiſts "and other ill-affected perſons, who have already raiſed "a rebellion in the kingdom of Ireland. And whereas, "by reaſon of many diſcoveries, we cannot but fear they "will proceed, not only to ſtir up the like rebellions and "inſurrections in this kingdom of England; but alſo to "back them with forces from abroad, &c. [q]"

HERE Charles firſt ventured to put a ſtop to his conceſſions; and that not by a refuſal, but a delay. When this demand was made; a demand which, if granted, the commons juſtly regarded as the laſt they ſhould ever have occaſion to make; he was at Dover, attending the queen and the princeſs of Orange, in their embarkation. He replied, that he had not now leiſure to conſider a matter of ſo great importance, and muſt therefore reſpite his

[q] Ruſh. vol. v. p. 519.

anſwer

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anſwer till his return[r]. The parliament inſtantly diſpatched another meſſage to him, with ſolicitations ſtill more importunate. They expreſſed their great grief on account of his majeſty's anſwer to their juſt and neceſſary petition. They repreſented, that any delay, during dangers and diſtractions ſo great and preſſing, was not leſs unſatisfactory and deſtructive than an abſolute denial. They inſiſted, that it was their duty to ſee put in execution a meaſure ſo neceſſary for public ſafety. And they affirmed, that the people, in many counties, had applied to them for that purpoſe, and, in ſome places, were, of themſelves, and by their own authority, providing againſt thoſe urgent dangers with which they were threatened[s].

22d Feb.

28th Feb.

Even after this inſolence, the king durſt not venture upon a flat denial. Beſides excepting to the preamble, which threw ſuch diſhonour upon him, and proteſting the innocence of his intentions when he entered the houſe of commons; he only deſired that the military authority, if it were defective, ſhould firſt be conferred upon the crown; and he promiſed to beſtow commiſſions, but ſuch as ſhould be revocable at pleaſure, on the ſame perſons whom the parliament had named in the bill[t]. By a former meſſage he had expreſſed his wiſhes, that they would lay before him, in one view, all the conceſſions which they deemed requiſite for the ſettlement of the nation. They pretended that they were expoſed to perils ſo dreadful and imminent, that they had not leiſure for ſuch a work[u]. The expedient propoſed by the king ſeemed a ſufficient remedy during this emergence; and yet maintained the prerogatives of the crown entire and unbroken.

But the intentions of the commons were wide of this purpoſe, and their panics could be cured by one remedy

1ſt March.

[r] Ruſh. vol. v. p. 521. [s] Idem, ibid. [t] Idem, ibid.
[u] Idem, ibid. p. 516, 517.

CHAP. LV. 1642.

alone. They inſtantly replied, that the dangers and diſtempers of the nation were ſuch as could endure no longer delay; and, unleſs the king ſpeedily complied with their demands, they ſhould be conſtrained, for the ſafety of prince and people, to diſpoſe of the militia by the authority of both houſes, and were reſolved to do it accordingly. They aſſerted, that thoſe parts of the kingdom which had, from their own authority, put themſelves in a poſture of defence during theſe prevailing fears and jealouſies, had acted ſuitably to the declarations and directions of both houſes, and conformably to the laws of the kingdom. And while they thus menaced the king with their power, they invited him to fix his reſidence at London, where they knew he would be entirely at mercy [w].

"I AM ſo much amazed at this meſſage," ſaid the king in his prompt reply, "that I know not what to anſwer. You ſpeak of jealouſies and fears! Lay your hands on your hearts, and aſk yourſelves, whether I may not likewiſe be diſturbed with fears and jealouſies: And if ſo, I aſſure you that this meſſage has nothing leſſened them.

"As to the militia, I thought ſo much of it before I gave that anſwer, and am ſo much aſſured that the anſwer is agreeable to what in juſtice or reaſon you can aſk, or I in honour grant, that I ſhall not alter it in any point.

"FOR my reſidence near you, I wiſh it might be ſafe and honourable, and that I had no cauſe to abſent myſelf from Whitehall: Aſk yourſelves whether I have not [x].

"WHAT would you have? Have I violated your laws? Have I denied to paſs any bill for the eaſe and

[w] Ruſhworth, part iii. vol. i. chap. iv. p. 523. [x] Idem, vol. v. p. 524.

"ſecurity

CHAP. LV.

1642.

"security of my ſubjects? I do not aſk what you have "done for me.

"HAVE any of my people been tranſported with fears "and apprehenſions? I offer as free and general a par- "don as yourſelves can deviſe. All this conſidered, there "is a judgment of heaven upon this nation, if theſe diſ- "tractions continue.

"GOD ſo deal with me and mine as all my thoughts "and intentions are upright for the maintenance of the "true proteſtant profeſſion, and for the obſervance and "preſervation of the laws; and I hope God will bleſs "and aſſiſt thoſe laws for *my* preſervation[y]."

NO ſooner did the commons deſpair of obtaining the king's conſent to their bill, than they inſtantly voted, that thoſe who adviſed his majeſty's anſwer were enemies to the ſtate, and miſchievous projectors againſt the ſafety of the nation; that this denial is of ſuch dangerous conſequence, that, if his majeſty perſiſt in it, it will hazard the peace and tranquillity of all his kingdoms, unleſs ſome ſpeedy remedy be applied by the wiſdom and authority of both houſes; and that ſuch of the ſubjects as have put themſelves in a poſture of defence againſt the common danger, have done nothing but what is juſtifiable, and approved by the houſe[z].

LEST the people might be averſe to the ſeconding of all theſe uſurpations, they were plied anew with rumours of danger, with the terrors of invaſion, with the dread of Engliſh and Iriſh papiſts; and the moſt unaccountable panics were ſpread throughout the nation. Lord Digby having entered Kingſton in a coach and ſix, attended by a few livery-ſervants, the intelligence was conveyed to London; and it was immediately voted, that he had appeared in a hoſtile manner, to the terror and affright of his ma-

y Ruſhworth, vol. v. p. 532.

z Ibid. part iii. vol. i. chap. iv. p. 524.

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1642.

jeſty's ſubjects, and had levied war againſt the king and kingdom [a]. Petitions from all quarters loudly demanded of the parliament to put the nation in a poſture of defence; and the county of Stafford, in particular, expreſſed ſuch dread of an inſurrection among the papiſts, that every man, they ſaid, was conſtrained to ſtand upon his guard, not even daring to go to church unarmed [b].

THAT the ſame violence by which he had ſo long been oppreſſed, might not ſtill reach him, and extort his conſent to the militia bill, Charles had reſolved to remove farther from London: And accordingly, taking the prince of Wales and the duke of York along with him, he arrived, by ſlow journies, at York, which he determined for ſome time to make the place of his reſidence. The diſtant parts of the kingdom, being removed from that furious vortex of new principles and opinions which had tranſported the capital, ſtill retained a ſincere regard for the church and monarchy; and the king here found marks of attachment beyond what he had before expected [c]. From all quarters of England, the prime nobility and gentry, either perſonally, or by meſſages and letters, expreſſed their duty towards him; and exhorted him to ſave himſelf and them from that ignominious ſlavery with which they were threatened. The ſmall interval of time which had paſſed ſince the fatal accuſation of the members, had been ſufficient to open the eyes of many, and to recover them from the aſtoniſhment with which at firſt they had been ſeized. One raſh and paſſionate attempt of the king's ſeemed but a ſmall counterbalance to ſo many acts of deliberate violence, which had been offered to him and every branch of the legiſlature: And, however ſweet the ſound of liberty, many reſolved to adhere to that moderate freedom tranſmitted them from

King arrives at York.

[a] Clarendon. Ruſh. part iii. vol. i. chap. ii. p. 495. [b] Dugdale, p. 89. [c] Warwick, p. 203.

their

their anceſtors, and now better ſecured by ſuch important conceſſions; rather than by engaging in a giddy ſearch after more independence, run a manifeſt riſk, either of incurring a cruel ſubjection, or abandoning all law and order. CHAP. LV. 1642.

CHARLES, finding himſelf ſupported by a conſiderable party in the kingdom, began to ſpeak in a firmer tone, and to retort the accuſations of the commons with a vigour which he had not before exerted. Notwithſtanding their remonſtrances, and menaces, and inſults, he ſtill perſiſted in refuſing their bill; and they proceeded to frame an ordinance, in which, by the authority of the two houſes, without the king's conſent, they named lieutenants for all the counties, and conferred on them the command of the whole military force, of all the guards, garriſons, and forts of the kingdom. He iſſued proclamations againſt this manifeſt uſurpation; and, as he profeſſed a reſolution ſtrictly to obſerve the law himſelf, ſo was he determined, he ſaid, to oblige every other perſon to pay it a like obedience. The name of the king was ſo eſſential to all laws, and ſo familiar in all acts of executive authority, that the parliament was afraid, had they totally omitted it, that the innovation would be too ſenſible to the people. In all commands, therefore, which they conferred, they bound the perſons to obey the orders of his majeſty, ſignified by both houſes of parliament. And, inventing a diſtinction, hitherto unheard of, between the office and the perſon of the king; thoſe very forces which they employed againſt him, they levied in his name, and by his authority [d].

IT is remarkable how much the topics of argument were now reverſed between the parties. The king, while he acknowledged his former error, of employing a plea of neceſſity, in order to infringe the laws and conſtitu-

[d] Ruſhworth, vol. v. p. 526.

CHAP. LV.

1642.

tion, warned the parliament not to imitate an example on which they threw ſuch violent blame; and the parliament, while they clothed their perſonal fears or ambition under the appearance of national and imminent danger, made unknowingly an apology for the moſt exceptionable part of the king's conduct. That the liberties of the people were no longer expoſed to any peril from royal authority, ſo narrowly circumſcribed, ſo exactly defined, ſo much unſupported by revenue and by military power, might be maintained upon very plauſible topics: But that the danger, allowing it to have any exiſtence, was not of that kind; great, urgent, inevitable; which diſſolves all law, and levels all limitations, ſeems apparent from the ſimpleſt view of theſe tranſactions. So obvious indeed was the king's preſent inability to invade the conſtitution, that the fears and jealouſies which operated on the people, and puſhed them ſo furiouſly to arms, were undoubtedly not of a civil, but of a religious nature. The diſtempered imaginations of men were agitated with a continual dread of popery, with a horror againſt prelacy, with an antipathy to ceremonies and the liturgy, and with a violent affection for whatever was moſt oppoſite to theſe objects of averſion. The fanatical ſpirit let looſe, confounded all regard to eaſe, ſafety, intereſt; and diſſolved every moral and civil obligation [e].

EACH party was now willing to throw on its antagoniſt the odium of commencing a civil war; but both of them prepared for an event which they deemed inevitable. To gain the people's favour and good opinion, was the chief point on both ſides. Never was there a people leſs corrupted by vice, and more actuated by principle, than the Engliſh during that period: Never were there individuals who poſſeſſed more capacity, more courage, more public ſpirit, more diſintereſted zeal. The infuſion of

[e] See note [QQ] at the end of the volume.

one

one ingredient, in too large a proportion, had corrupted all theſe noble principles, and converted them into the moſt virulent poiſon. To determine his choice in the approaching conteſts, every man hearkened with avidity to the reaſons propoſed on both ſides. The war of the pen preceded that of the ſword, and daily ſharpened the humours of the oppoſite parties. Beſides private adventurers without number, the king and parliament themſelves carried on the controverſy, by meſſages, remonſtrances, and declarations; where the nation was really the party to whom all arguments were addreſſed. Charles had here a double advantage. Not only his cauſe was more favourable, as ſupporting the ancient government in church and ſtate againſt the moſt illegal pretenſions: It was alſo defended with more art and eloquence. Lord Falkland had accepted the office of ſecretary; a man who adorned the pureſt virtue with the richeſt gifts of nature, and the moſt valuable acquiſitions of learning. By him, aſſiſted by the king himſelf, were the memorials of the royal party chiefly compoſed. So ſenſible was Charles of his ſuperiority in this particular, that he took care to diſperſe every-where the papers of the parliament together with his own, that the people might be the more enabled, by compariſon, to form a judgment between them: The parliament, while they diſtributed copies of their own, were anxious to ſuppreſs all the king's compoſitions [f].

CHAP. LV. 1642.

To clear up the principles of the conſtitution, to mark the boundaries of the powers entruſted by law to the ſeveral members, to ſhow what great improvements the whole political ſyſtem had received from the king's late conceſſions, to demonſtrate his entire confidence in his people, and his reliance on their affections, to point out the ungrateful returns which had been made him, and

[f] Ruſhworth, vol. v. p. 751.

CHAP. LV.

1642.

the enormous encroachments, inſults, and indignities, to which he had been expoſed; theſe were the topics which, with ſo much juſtneſs of reaſoning and propriety of expreſſion, were inſiſted on in the king's declarations and remonſtrances [g].

THOUGH theſe writings were of conſequence, and tended much to reconcile the nation to Charles, it was evident that they would not be deciſive, and that keener weapons muſt determine the controverſy. To the ordinance of the parliament concerning the militia, the king oppoſed his commiſſions of array. The counties obeyed the one or the other, according as they ſtood affected. And in many counties, where the people were divided, mobbiſh combats and ſkirmiſhes enſued [h]. The parliament, on this occaſion, went ſo far as to vote, "That "when the lords and commons in parliament, which is "the ſupreme court of judicature, ſhall declare what the "law of the land is, to have this not only queſtioned, "but contradicted, is a high breach of their privileges [i]." This was a plain aſſuming of the whole legiſlative authority, and exerting it in the moſt material article, the government of the militia. Upon the ſame principles, they pretended, by a verbal criticiſm on the tenſe of a Latin verb, to raviſh from the king his negative voice in the legiſlature [k].

THE magazine of Hull contained the arms of all the forces levied againſt the Scots; and Sir John Hotham, the governor, though he had accepted of a commiſſion from the parliament, was not thought to be much diſ-

g See note [EE] at the end of the volume.

h May, book ii. p. 99.

i Ruſhworth, vol. v. p. 534.

k The king, by his coronation oath, promiſes that he would maintain the laws and cuſtoms which the people had choſen, *quas vulgus elegerit*: The parliament pretended that *elegerit* meant *ſhall chuſe*; and conſequently, that the king had no right to refuſe any bills which ſhould be preſented him. See Ruſhworth, vol. v. p. 580.

affected

affected to the church and monarchy. Charles, therefore, entertained hopes, that, if he preſented himſelf at Hull before the commencement of hoſtilities, Hotham, overawed by his preſence, would admit him with his retinue; after which he might eaſily render himſelf maſter of the place. But the governor was on his guard. He ſhut the gates, and refuſed to receive the king, who deſired leave to enter with twenty perſons only. Charles immediately proclaimed him traitor, and complained to the parliament of his diſobedience. The parliament avowed and juſtified the action [l].

CHAP. LV. 1642.

THE county of York levied a guard for the king of 600 men: For the kings of England had hitherto lived among their ſubjects like fathers among their children, and had derived all their ſecurity from the dignity of their character, and from the protection of the laws. The two houſes, though they had already levied a guard for themſelves; had attempted to ſeize all the military power, all the navy, and all the forts of the kingdom; and had openly employed their authority in every kind of warlike preparations: Yet immediately voted, "That the king, "ſeduced by wicked counſel, intended to make war "againſt his parliament, who, in all their conſultations "and actions, had propoſed no other end, but the care "of his kingdoms, and the performance of all duty and "loyalty to his perſon; that this attempt was a breach "of the truſt repoſed in him by his people, contrary to "his oath, and tending to a diſſolution of the govern-"ment; and that whoever ſhould aſſiſt him in ſuch a "war, were traitors by the fundamental laws of the "kingdom [m]." Preparations.

THE armies, which had been every-where raiſed on pretence of the ſervice in Ireland, were henceforth more

[l] Whitlocke, p. 55. Ruſhworth, vol. v. p. 565, &c. May, book ii. p. 51. [m] Whitlocke, p. 57. Ruſhworth, vol. v. p. 717. Dugdale, p. 93. May, book ii. p. 54.

openly

CHAP. LV.

1642. openly inliſted by the parliament for their own purpoſes, and the command of them was given to the earl of Eſſex. In London no leſs than four thouſand men inliſted in one day [n]. And the parliament voted a declaration, which they required every member to ſubſcribe, that they would live and die with their general.

12th June. THEY iſſued orders for bringing in loans of money and plate, in order to maintain forces which ſhould defend the king and both houſes of parliament: For this ſtile they ſtill preſerved. Within ten days, vaſt quantities of plate were brought to their treaſurers. Hardly were there men enow to receive it, or room ſufficient to ſtow it: And many, with regret, were obliged to carry back their offerings, and wait till the treaſurers could find leiſure to receive them. Such zeal animated the pious partizans of the parliament, eſpecially in the city! The women gave up all the plate and ornaments of their houſes, and even their ſilver thimbles and bodkins, in order to ſupport the *good cauſe* againſt the malignants [o].

MEANWHILE the ſplendor of the nobility, with which the king was environed, much eclipſed the appearance at Weſtminſter. Lord-keeper Littleton, after ſending the great ſeal before him, had fled to York. Above forty peers of the firſt rank attended the king [p]; whilſt the houſe of lords ſeldom conſiſted of more than ſixteen members. Near the moiety too of the lower houſe abſented themſelves from counſels, which they deemed ſo full of danger. The commons ſent up an impeachment againſt nine peers, for deſerting their duty in parliament. Their own members alſo, who ſhould return to them, they voted not to admit, till ſatisfied concerning the reaſon of their abſence.

[n] Vicar's God in the Mount. [o] Whitlocke, p. 58. Dugdale, p. 96. 99. [p] May, book ii. p. 59.

CHARLES

CHARLES made a declaration to the peers, who attended him, that he expected from them no obedience to any commands which were not warranted by the laws of the land. The peers anſwered this declaration by a proteſt, in which they declared their reſolution to obey no commands but ſuch as were warranted by that authority[q]. By theſe deliberate engagements, ſo worthy of an Engliſh prince and Engliſh nobility, they meant to confound the furious and tumultuary reſolutions taken by the parliament. CHAP. LV. 1642.

THE queen, diſpoſing of the crown-jewels in Holland, had been enabled to purchaſe a cargo of arms and ammunition. Part of theſe, after eſcaping many perils, arrived ſafely to the king. His preparations were not near ſo forward as thoſe of the parliament. In order to remove all jealouſy, he had reſolved, that their uſurpations and illegal pretenſions ſhould be apparent to the whole world, and thought, that, to recover the confidence of the people, was a point much more material to his intereſt, than the collecting of any magazines, ſtores, or armies, which might breed apprehenſions of violent or illegal counſels. But the urgent neceſſity of his ſituation no longer admitted of delay. He now prepared himſelf for defence. With a ſpirit, activity, and addreſs, which neither the one party apprehended, nor the other expected, he employed all the advantages which remained to him, and rouſed up his adherents to arms. The reſources of this prince's genius encreaſed in proportion to his difficulties; and he never appeared greater than when plunged into the deepeſt perils and diſtreſſes. From the mixed character, indeed, of Charles, aroſe in part the misfortunes in which England was at this time involved. His political errors, or rather weakneſſes, had raiſed him inveterate

[q] Ruſhworth, vol. v. p. 626, 627. May, book ii. p. 86. Warwick, p. 219.

enemies:

CHAP. LV.

1642.

enemies: His eminent moral virtues had procured him zealous partizans: And between the hatred of the one, and the affections of the other, was the nation agitated with the moſt violent convulſions.

THAT the king might deſpair of all compoſition, the parliament ſent him the conditions on which they were willing to come to an agreement. Their demands, contained in nineteen propoſitions, amounted to a total abolition of monarchical authority. They required, that no man ſhould remain in the council, who was not agreeable to parliament; that no deed of the king's ſhould have validity, unleſs it paſſed the council, and was atteſted under their hand; that all the officers of ſtate and principal judges ſhould be choſen with conſent of parliament, and enjoy their offices for life; that none of the royal family ſhould marry without conſent of parliament or council; that the laws ſhould be executed againſt catholics; that the votes of popiſh lords ſhould be excluded; that the reformation of the liturgy and church-government ſhould have place, according to advice of parliament; that the ordinance, with regard to the militia, be ſubmitted to; that the juſtice of parliament paſs upon all delinquents; that a general pardon be granted, with ſuch exceptions as ſhould be adviſed by parliament; that the forts and caſtles be diſpoſed of by conſent of parliament; and that no peer be made but with conſent of both houſes[r].

"SHOULD I grant theſe demands," ſaid the king in reply, "I may be waited on bareheaded; I may have my "hand kiſſed; the title of Majeſty may be continued to "me; and *The king's authority, ſignified by both houſes*, may "ſtill be the ſtile of your commands; I may have ſwords "and maces carried before me, and pleaſe myſelf with the "ſight of a crown and ſceptre (though even theſe twigs

[r] Ruſhworth, vol. v. p. 722. May, book ii. p. 54.

"would

" would not long flouriſh, when the ſtock upon which " they grew was dead): But as to true and real power, " I ſhould remain but the outſide, but the picture, but " the ſign of a king[s]." War on any terms was eſteemed, by the king and all his counſellors, preferable to ſo ignominious a peace. Charles accordingly reſolved to ſupport his authority by arms. " His towns," he ſaid, " were taken from him, his ſhips, his arms, his money; " but there ſtill remained to him a good cauſe, and the " hearts of his loyal ſubjects, which, with God's bleſſing, " he doubted not, would recover all the reſt." Collecting therefore ſome forces, he advanced ſouthwards; and at Nottingham he erected his royal ſtandard, the open ſignal of diſcord and civil war throughout the kingdom. CHAP. LV. 1642. 25th Aug.

[s] Ruſhworth, vol. v. p. 728. Warwick, p. 189.

CHAP. LVI.

Commencement of the civil war—State of parties—Battle of Edgehill——Negociation at Oxford——Victories of the royaliſts in the weſt——Battle of Stratton——Of Lanſdown——Of Roundway down——Death of Hambden——Briſtol taken——Siege of Glouceſter——Battle of Newbury——Actions in the north of England——Solemn league and covenant——Arming of the Scots——State of Ireland.

CHAP. LVI.

1642. Commencement of the civil war.

WHEN two names, ſo ſacred in the Engliſh conſtitution as thoſe of KING and PARLIAMENT, were placed in oppoſition; no wonder the people were divided in their choice, and were agitated with the moſt violent animoſities and factions.

State of parties.

THE nobility, and more conſiderable gentry, dreading a total confuſion of rank from the fury of the populace, inliſted themſelves in defence of the monarch, from whom they received, and to whom they communicated their luſtre. Animated with the ſpirit of loyalty, derived from their anceſtors, they adhered to the ancient principles of the conſtitution, and valued themſelves on exerting the maxims, as well as inheriting the poſſeſſions, of the old Engliſh families. And while they paſſed their time moſtly at their country-ſeats, they were ſurpriſed to hear of opinions prevailing, with which they had ever been unacquainted, and which implied, not a limitation, but an abolition almoſt total, of monarchical authority.

THE city of London, on the other hand, and moſt of the great corporations, took part with the parliament, and adopted

adopted with zeal thoſe democratical principles on which the pretenſions of that aſſembly were founded. The government of cities, which even under abſolute monarchies is commonly republican, inclined them to this party: The ſmall hereditary influence, which can be retained over the induſtrious inhabitants of towns; the natural independence of citizens; and the force of popular currents over thoſe more numerous aſſociations of mankind; all theſe cauſes gave, there, authority to the new principles propagated throughout the nation. Many families too, which had lately been enriched by commerce, ſaw with indignation, that, notwithſtanding their opulence, they could not raiſe themſelves to a level with the ancient gentry: They therefore adhered to a power, by whoſe ſucceſs they hoped to acquire rank and conſideration [t]. And the new ſplendor and glory of the Dutch commonwealth, where liberty ſo happily ſupported induſtry, made the commercial part of the nation deſire to ſee a like form of government eſtabliſhed in England.

CHAP. LVI. 1642.

The genius of the two religions, ſo cloſely at this time interwoven with politics, correſponded exactly to theſe diviſions. The preſbyterian religion was new, republican, and ſuited to the genius of the populace: The other had an air of greater ſhow and ornament, was eſtabliſhed on ancient authority, and bore an affinity to the kingly and ariſtocratical parts of the conſtitution. The devotees of preſbytery became of courſe zealous partizans of the parliament: The friends of the epiſcopal church valued themſelves on defending the rights of monarchy.

Some men alſo there were of liberal education, who, being either careleſs or ignorant of thoſe diſputes, bandied about by the clergy of both ſides, aſpired to nothing but an eaſy enjoyment of life, amidſt the jovial entertain-

[t] Clarendon, vol. iii. p. 4.

CHAP. LVI.

1642.

ment and ſocial intercourſe of their companions. All theſe flocked to the king's ſtandard, where they breathed a freer air, and were exempted from that rigid preciſeneſs and melancholy auſterity, which reigned among the parliamentary party.

NEVER was a quarrel more unequal than ſeemed at firſt that between the contending parties: Almoſt every advantage lay againſt the royal cauſe. The king's revenue had been ſeized, from the beginning, by the parliament, who iſſued out to him, from time to time, ſmall ſums for his preſent ſubſiſtence; and as ſoon as he withdrew to York, they totally ſtopped all payments. London and all the ſea-ports, except Newcaſtle, being in their hands, the cuſtoms yielded them a certain and conſiderable ſupply of money; and all contributions, loans, and impoſitions, were more eaſily raiſed from the cities, which poſſeſſed the ready money, and where men lived under their inſpection, than they could be levied by the king in thoſe open countries, which, after ſome time, declared for him.

THE ſeamen naturally followed the diſpoſition of the ſea-ports to which they belonged: And the earl of Northumberland, lord admiral, having embraced the party of the parliament, had appointed at their deſire, the earl of Warwic to be his lieutenant; who at once eſtabliſhed his authority in the fleet, and kept the entire dominion of the ſea in the hands of that aſſembly.

ALL the magazines of arms and ammunition were from the firſt ſeized by the parliament; and their fleet intercepted the greater part of thoſe which were ſent by the queen from Holland. The king was obliged, in order to arm his followers, to borrow the weapons of the train-bands, under promiſe of reſtoring them as ſoon as peace ſhould be ſettled in the kingdom.

CHAP. LVI.

1642.

THE veneration for parliaments was at this time extreme throughout the nation [u]. The cuſtom of reviling thoſe aſſemblies for corruption, as it had no pretence, ſo was it unknown, during all former ages. Few or no inſtances of their encroaching ambition or ſelfiſh claims had hitherto been obſerved. Men conſidered the houſe of commons in no other light than as the repreſentatives of the nation, whoſe intereſt was the ſame with that of the public, who were the eternal guardians of law and liberty, and whom no motive, but the neceſſary defence of the people, could ever engage in an oppoſition to the crown. The torrent, therefore, of general affection ran to the parliament. What is the great advantage of popularity, the privilege of affixing epithets, fell of courſe to that party. The king's adherents were the *Wicked* and the *Malignant*: Their adverſaries were the *Godly* and the *Well-affected*. And as the force of the cities was more united than that of the country, and at once gave ſhelter and protection to the parliamentary party, who could eaſily ſuppreſs the royaliſts in their neighbourhood, almoſt the whole kingdom, at the commencement of the war, ſeemed to be in the hands of the parliament [w].

WHAT alone gave the king ſome compenſation for all the advantages poſſeſſed by his adverſaries, was the nature and qualities of his adherents. More bravery and activity were hoped for, from the generous ſpirit of the nobles and gentry, than from the baſe diſpoſition of the multitude. And as the men of eſtates, at their own expence, levied and armed their tenants, beſides an attachment to their maſters, greater force and courage were to be expected in theſe ruſtic troops, than in the vicious and enervated populace of cities.

THE neighbouring ſtates of Europe, being engaged in violent wars, little intereſted themſelves in theſe civil

[u] Walker, p. 336. [w] Warwick, p. 318.

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1642.

commotions; and this iſland enjoyed the ſingular advantage (for ſuch it ſurely was) of fighting out its own quarrels without the interpoſition of foreigners. France, from policy, had fomented the firſt diſorders in Scotland; had ſent over arms to the Iriſh rebels; and continued to give countenance to the Engliſh parliament: Spain, from bigotry, furniſhed the Iriſh with ſome ſupplies of money and arms. The prince of Orange, cloſely allied to the crown, encouraged Engliſh officers, who ſerved in the Low Countries, to enliſt in the king's army: The Scottiſh officers, who had been formed in Germany, and in the late commotions, chiefly took part with the parliament.

THE contempt entertained by the parliament for the king's party was ſo great, that it was the chief cauſe of puſhing matters to ſuch extremities againſt him; and many believed that he never would attempt reſiſtance, but muſt ſoon yield to the pretenſions, however enormous, of the two houſes. Even after his ſtandard was erected, men could not be brought to apprehend the danger of a civil war; nor was it imagined that he would have the imprudence to enrage his implacable enemies, and render his own condition more deſperate, by oppoſing a force which was ſo much ſuperior. The low condition in which he appeared at Nottingham confirmed all theſe hopes. His artillery, though far from numerous, had been left at York, for want of horſes to tranſport it. Beſides the trained bands of the county, raiſed by Sir John Digby, the ſheriff, he had not gotten together above three hundred infantry. His cavalry, in which conſiſted his chief ſtrength, exceeded not eight hundred, and were very ill provided with arms. The forces of the parliament lay at Northampton, within a few days march of him; and conſiſted of above ſix thouſand men, well armed and well appointed. Had theſe troops advanced upon

upon him, they muſt ſoon have diſſipated the ſmall force which he had aſſembled. By purſuing him in his retreat, they had ſo diſcredited his cauſe, and diſcouraged his adherents, as to have for ever prevented his collecting an army able to make head againſt them. But the earl of Eſſex, the parliamentary general, had not yet received any orders from his maſters [x]. What rendered them ſo backward, after ſuch precipitate ſteps as they had formerly taken, is not eaſily explained. It is probable, that in the extreme diſtreſs of his party conſiſted the preſent ſafety of the king. The parliament hoped, that the royaliſts, ſenſible of their feeble condition, and convinced of their ſlender reſources, would diſperſe of themſelves, and leave their adverſaries a victory, ſo much the more complete and ſecure, as it would be gained without the appearance of force, and without bloodſhed. Perhaps too, when it became neceſſary to make the concluding ſtep, and offer barefaced violence to their ſovereign, their ſcruples and apprehenſions, though not ſufficient to overcome their reſolutions, were able to retard the execution of them [y].

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Sir Jacob Aſtley, whom the king had appointed major-general of his intended army, told him, that he could not give him aſſurance but he might be taken out of his bed, if the rebels ſhould make a briſk attempt to that purpoſe. All the king's attendants were full of well-grounded apprehenſions. Some of the lords having deſired that a meſſage might be ſent to the parliament, with overtures to a treaty, Charles, who well knew that an accommodation, in his preſent condition, meant nothing but a total ſubmiſſion, haſtily broke up the council, leſt this propoſal ſhould be farther inſiſted on. But next day, the earl of Southampton, whom no one could ſuſpect of baſe or timid ſentiments, having offered the ſame advice in

[x] Clarendon, vol. iii. p. 1, 2. [y] Idem, ibid. p. 18.

CHAP. LVI. 1642.

council, it was hearkened to with more coolneſs and deliberation. He urged, that though ſuch a ſtep would probably encreaſe the inſolence of the parliament, this was ſo far from being an objection, that ſuch diſpoſitions muſt neceſſarily turn to the advantage of the royal cauſe: That if they refuſed to treat, which was more probable, the very ſound of peace was ſo popular, that nothing could more diſguſt the nation than ſuch haughty ſeverity: That if they admitted of a treaty, their propoſals, conſidering their preſent ſituation, would be ſo exorbitant, as to open the eyes of their moſt partial adherents, and turn the general favour to the king's party: And that, at worſt, time might be gained by this expedient, and a delay of the imminent danger with which the king was at preſent threatened [a].

CHARLES, on aſſembling the council, had declared againſt all advances towards an accommodation; and had ſaid, that, having now nothing left him but his honour, this laſt poſſeſſion he was reſolved ſteadily to preſerve, and rather to periſh than yield any farther to the pretenſions of his enemies [a]. But, by the unanimous deſire of the counſellors, he was prevailed on to embrace Southampton's advice. That nobleman, therefore, with Sir John Colepeper and Sir William Uvedale, was diſpatched to London, with offers of a treaty [b]. The manner in which they were received gave little hopes of ſucceſs. Southampton was not allowed by the peers to take his ſeat; but was ordered to deliver his meſſage to the uſher, and immediately to depart the city: The commons ſhowed little better diſpoſition towards Colepeper and Uvedale [c]. Both houſes replied, that they could admit of no treaty with the king, till he took down his ſtandard, and recalled his proclamations, in which the parliament ſuppoſed themſelves

[a] Clarendon, vol. iii. p. 7.
[b] Ruſh. vol. v. p. 784.
[a] Idem, ibid.
[c] Clarendon, vol. iii. p. 10.

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ſelves to be declared traitors. The king, by a ſecond meſſage, denied any ſuch intention againſt the two houſes; but offered to recal theſe proclamations, provided the parliament agreed to recal theirs, in which his adherents were declared traitors. They deſired him, in return, to diſmiſs his forces, to reſide with his parliament, and to give up delinquents to their juſtice; that is, abandon himſelf and his friends to the mercy of his enemies[d]. Both parties flattered themſelves, that, by theſe meſſages and replies, they had gained the ends which they propoſed[e]. The king believed that the people were made ſufficiently ſenſible of the parliament's inſolence and averſion to peace: The parliament intended, by this vigour in their reſolutions, to ſupport the vigour of their military operations.

THE courage of the parliament was increaſed, beſides their great ſuperiority of force, by two recent events, which had happened in their favour. Goring was governor of Portſmouth, the beſt fortified town in the kingdom, and, by its ſituation, of great importance. This man ſeemed to have rendered himſelf an implacable enemy to the king, by betraying, probably magnifying, the ſecret cabals of the army; and the parliament thought that his fidelity to them might, on that account, be entirely depended on. But the ſame levity of mind ſtill attended him, and the ſame diſregard to engagements and profeſſions. He took underhand his meaſures with the court, and declared againſt the parliament. But, though he had been ſufficiently ſupplied with money, and long before knew his danger, ſo ſmall was his foreſight, that he had left the place entirely deſtitute of proviſions, and in a few days, he was obliged to ſurrender to the parliamentary forces[f].

[d] Ruſhworth, vol. v. p. 786. Dugdale, p. 102. [e] Whitlocke, p. 59.
[f] Ruſhworth, vol. v. p. 683. Whitlocke, p. 60. Clarendon, vol. iii. p. 19.

CHAP. LVI.

1642.

THE marquis of Hertford was a nobleman of the greateſt quality and character in the kingdom, and, equally with the king, deſcended, by a female, from Henry VII. During the reign of James, he had attempted, without having obtained the conſent of that monarch, to marry Arabella Stuart, a lady nearly related to the crown; and, upon diſcovery of his intentions, had been obliged, for ſome time, to fly the kingdom. Ever after, he was looked on with an evil eye at court, from which, in a great meaſure, he withdrew; and living in an independent manner, he addicted himſelf entirely to literary occupations and amuſements. In proportion as the king declined in popularity, Hertford's character flouriſhed with the people; and when this parliament aſſembled, no nobleman poſſeſſed more general favour and authority. By his ſagacity, he ſoon perceived, that the commons, not content with correcting the abuſes of government, were carried, by the natural current of power and popularity, into the oppoſite extreme, and were committing violations, no leſs dangerous than the former, upon the Engliſh conſtitution. Immediately he devoted himſelf to the ſupport of the king's falling authority, and was prevailed with to be governor to the young prince, and reſide at court, to which, in the eyes of all men, he gave, by his preſence, a new luſtre and authority. So high was his character for mildneſs and humanity, that he ſtill preſerved, by means of theſe popular virtues, the public favour; and every one was ſenſible of the true motive of his change. Notwithſtanding his habits of eaſe and ſtudy, he now exerted himſelf in raiſing an army for the king; and being named general of the weſtern counties, where his intereſt chiefly lay, he began to aſſemble forces in Somerſetſhire. By the aſſiſtance of lord Seymour, lord Paulet, John Digby, ſon of the earl of Briſtol, Sir Francis Hawley, and others, he had drawn together ſome appearance

appearance of an army; when the parliament, apprehenſive of the danger, ſent the earl of Bedford with a conſiderable force againſt him. On his approach, Hertford was obliged to retire into Sherborne caſtle; and, finding that place untenable, he himſelf paſſed over into Wales, leaving Sir Ralph Hopton, Sir John Berkeley, Digby, and other officers, with their horſe, conſiſting of about a hundred and twenty, to march into Cornwal, in hopes of finding that county better prepared for their reception [g]. CHAP. LVI. 1642.

ALL the diſperſed bodies of the parliamentary army were now ordered to march to Northampton; and the earl of Eſſex, who had joined them, found the whole amount to 15,000 men [h]. The king, though his camp had been gradually reinforced from all quarters, was ſenſible that he had no army which could cope with ſo formidable a force; and he thought it prudent, by ſlow marches, to retire to Derby, thence to Shrewſbury, in order to countenance the levies which his friends were making in thoſe parts. At Wellington, a day's march from Shrewſbury, he made a rendezvous of all his forces, and cauſed his military orders to be read at the head of every regiment. That he might bind himſelf by reciprocal ties, he ſolemnly made the following declaration before his whole army:

"I DO promiſe, in the preſence of Almighty God, "and as I hope for his bleſſing and protection, that I "will, to the utmoſt of my power, defend and maintain "the true reformed proteſtant religion, eſtabliſhed in the "church of England, and, by the grace of God, in the "ſame will live and die.

"I DESIRE that the laws may ever be the meaſure of "my government, and that the liberty and property of "the ſubject may be preſerved by them with the ſame

[g] Clarendon, vol. vi. p. 2, 3, &c. [h] Whitlocke, p. 60.

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" care as my own juſt rights. And if it pleaſe God, by " his bleſſing on this army, raiſed for my neceſſary de- " fence, to preſerve me from the preſent rebellion, I do " ſolemnly and faithfully promiſe, in the ſight of God, " to maintain the juſt privileges and freedom of parlia- " ment, and to govern, to the utmoſt of my power, by " the known ſtatutes and cuſtoms of the kingdom, and " particularly to obſerve inviolably the laws to which " I have given my conſent this parliament. Meanwhile, " if this emergence, and the great neceſſity to which I " am driven, beget any violation of law, I hope it ſhall " be imputed by God and man to the authors of this " war; not to me, who have ſo earneſtly laboured to " preſerve the peace of the kingdom.

" When I willingly fail in theſe particulars, I ſhall " expect no aid or relief from man, nor any protection " from above: But in this reſolution I hope for the " cheerful aſſiſtance of all good men, and am confident " of the bleſſing of heaven[1]."

Though the concurrence of the church undoubtedly encreaſed the king's adherents, it may ſafely be affirmed, that the high monarchical doctrines, ſo much inculcated by the clergy, had never done him any real ſervice. The bulk of that generous train of nobility and gentry who now attended the king in his diſtreſſes, breathed the ſpirit of liberty, as well as of loyalty: And in the hopes alone of his ſubmitting to a legal and limited government, were they willing, in his defence, to ſacrifice their lives and fortunes.

While the king's army lay at Shrewſbury, and he was employing himſelf in collecting money, which he received, though in no great quantities, by voluntary contributions, and by the plate of the univerſities, which was ſent him, the news arrived of an action, the firſt

[1] Clarendon, vol. iii. p. 16, 17. Dugdale, p. 104.

which

which had happened in theſe wars, and where he was ſucceſsful. CHAP. LVI.

1642.

On the appearance of commotions in England, the princes Rupert and Maurice, ſons of the unfortunate Palatine, had offered their ſervice to the king; and the former, at that time, commanded a body of horſe, which had been ſent to Worceſter, in order to watch the motions of Eſſex, who was marching towards that city. No ſooner had the prince arrived, than he ſaw ſome cavalry of the enemy approaching the gates. Without delay, he briſkly attacked them, as they were defiling from a lane, and forming themſelves. Colonel Sandys, who led them, and who fought with valour, being mortally wounded, fell from his horſe. The whole party was routed, and was purſued above a mile. The prince hearing of Eſſex's approach, returned to the main body [k]. This rencounter, though in itſelf of ſmall importance, mightily raiſed the reputation of the royaliſts, and acquired to prince Rupert the character of promptitude and courage; qualities which he eminently diſplayed during the whole courſe of the war.

The king, on muſtering his army, found it amount to 10,000 men. The earl of Lindeſey, who in his youth had ſought experience of military ſervice in the Low Countries [l], was general: Prince Rupert commanded the horſe: Sir Jacob Aſtley, the foot: Sir Arthur Aſton, the dragoons: Sir John Heydon, the artillery. Lord Bernard Stuart was at the head of a troop of guards. The eſtates and revenue of this ſingle troop, according to lord Clarendon's computation, were at leaſt equal to thoſe of all the members, who, at the commencement of war, voted in both houſes. Their ſervants, under the com-

[k] Clarendon, vol. iii. p. 25. May, book iii. p. 10. [l] He was then lord Willoughby.

mand

CHAP. LVI.

mand of Sir William Killigrew, made another troop, and always marched with their maſters [m].

1642. 12th Oct.

WITH this army the king left Shrewſbury, reſolving to give battle as ſoon as poſſible to the army of the parliament, which, he heard, was continually augmenting by ſupplies from London. In order to bring on an action, he directed his march towards the capital, which, he knew, the enemy would not abandon to him. Eſſex had now received his inſtructions. The import of them was, to preſent a moſt humble petition to the king, and to reſcue him and the royal family from thoſe deſperate malignants, who had ſeized their perſons [n]. Two days after the departure of the royaliſts from Shrewſbury, he left Worceſter. Though it be commonly eaſy in civil wars to get intelligence, the armies were within ſix miles of each other, ere either of the generals was acquainted with the approach of his enemy. Shrewſbury and Worceſter, the places from which they ſet out, are not above twenty miles diſtant; yet had the two armies marched ten days in this mutual ignorance. So much had military ſkill, during a long peace, decayed in England [o].

Battle of Edge-hill.

23d of Oct.

THE royal army lay near Banbury: That of the parliament at Keinton, in the county of Warwic. Prince Rupert ſent intelligence of the enemy's approach. Tho' the day was far advanced, the king reſolved upon the attack: Eſſex drew up his men to receive him. Sir Faithful Forteſcue, who had levied a troop for the Iriſh wars, had been obliged to ſerve in the parliamentary army, and was now poſted on the left wing, commanded by Ramſay, a Scotchman. No ſooner did the king's army approach, than Forteſcue, ordering his troop to diſcharge their piſtols in the ground, put himſelf under

[m] Clarendon, vol. iii. p. 41. Warwick, p. 231. [n] Whitlocke, p. 59. Clarendon, vol. iii. p. 27, 28, &c. [o] Clarendon, vol. iii. p. 44.

the

the command of prince Rupert. Partly from this incident, partly from the furious ſhock made upon them by the prince; that whole wing of cavalry immediately fled, and were purſued for two miles. The right wing of the parliament's army had no better ſucceſs. Chaſed from their ground by Wilmot and Sir Arthur Aſton, they alſo took to flight. The king's body of reſerve, commanded by Sir John Biron, judging, like raw ſoldiers, that all was over, and impatient to have ſome ſhare in the action, heedleſsly followed the chace, which their left wing had precipitately led them. Sir William Balfour, who commanded Eſſex's reſerve, perceived the advantage: He wheeled about upon the king's infantry, now quite unfurniſhed of horſe; and he made great havoc among them. Lindeſey, the general, was mortally wounded, and taken priſoner. His ſon, endeavouring his reſcue, fell likewiſe into the enemy's hands. Sir Edmund Verney, who carried the king's ſtandard, was killed, and the ſtandard taken; but it was afterwards recovered. In this ſituation, prince Rupert, on his return, found affairs. Every thing bore the appearance of a defeat, inſtead of a victory, with which he had haſtily flattered himſelf. Some adviſed the king to leave the field: But that prince rejected ſuch puſillanimous counſel. The two armies faced each other for ſome time, and neither of them retained courage ſufficient for a new attack. All night they lay under arms; and next morning found themſelves in ſight of each other. General, as well as ſoldier, on both ſides, ſeemed averſe to renew the battle. Eſſex firſt drew off, and retired to Warwick. The king returned to his former quarters. Five thouſand men are ſaid to have been found dead on the field of battle; and the loſs of the two armies, as far as we can judge by the oppoſite accounts, was nearly equal. Such was the event of this firſt battle, fought at Keinton, or Edge-hill [p].

CHAP. LVI. 1642.

[p] Clarendon, vol. iii. p. 44, &c. May, book iii. p. 16, &c.

SOME

CHAP. LVI.

1642.

Some of Eſſex's horſe, who had been driven off the field in the beginning of the action, flying to a great diſtance, carried news of a total defeat, and ſtruck a mighty terror into the city and parliament. After a few days, a more juſt account arrived; and then the parliament pretended to a complete victory[q]. The king alſo, on his part, was not wanting to diſplay his advantages; though, except the taking of Banbury, a few days after, he had few marks of victory to boaſt of. He continued his march, and took poſſeſſion of Oxford, the only town in his dominions which was altogether at his devotion.

After the royal army was recruited and refreſhed; as the weather ſtill continued favourable, it was again put in motion. A party of horſe approached to Reading, of which Martin was appointed governor by the parliament. Both governor and garriſon were ſeized with a panic, and fled with precipitation to London. The king, hoping that every thing would yield before him, advanced with his whole army to Reading. The parliament, who, inſtead of their fond expectations, that Charles would never be able to collect an army, had now the proſpect of a civil war, bloody, and of uncertain event; were farther alarmed at the near approach of the royal army, while their own forces lay at a diſtance. They voted an addreſs for a treaty. The king's nearer approach to Colebroke quickened their advances for peace. Northumberland and Pembroke, with three commoners, preſented the addreſs of both houſes; in which they beſought his majeſty to appoint ſome convenient place where he might reſide, till committees could attend him with propoſals. The king named Windſor, and deſired that their garriſon might be removed, and his own troops admitted into that caſtle[r].

[q] Whitlocke, p. 61. Clarendon, vol. iii. p. 59. [r] Whitlocke, p. 62. Clarendon, vol. iii. p. 73.

Meanwhile

CHAP. LVI.

1642. 30th Nov.

MEANWHILE Eſſex, advancing by haſty marches, had arrived at London. But neither the preſence of his army, nor the precarious hopes of a treaty, retarded the king's approaches. Charles attacked, at Brentford, two regiments quartered there, and, after a ſharp action, beat them from that village, and took about 500 priſoners. The parliament had ſent orders to forbear all hoſtilities, and had expected the ſame from the king; though no ſtipulations to that purpoſe had been mentioned by their commiſſioners. Loud complaints were raiſed againſt this attack, as if it had been the moſt apparent perfidy, and breach of treaty[s]. Inflamed with reſentment, as well as anxious for its own ſafety, the city marched its trained bands in excellent order, and joined the army under Eſſex. The parliamentary army now amounted to above 24,000 men, and was much ſuperior to that of the king[t]. After both armies had faced each other for ſome time, Charles drew off and retired to Reading, thence to Oxford.

WHILE the principal armies on both ſides were kept in inaction by the winter ſeaſon, the king and parliament were employed in real preparations for war, and in ſeeming advances towards peace. By means of contributions or aſſeſſments, levied by the horſe, Charles maintained his cavalry: By loans and voluntary preſents, ſent him from all parts of the kingdom, he ſupported his infantry: But the ſupplies were ſtill very unequal to the neceſſities under which he laboured[u]. The parliament had much greater reſources for money; and had, by conſequence, every military preparation in much greater order and abundance. Beſides an impoſition levied in London, amounting to the five-and-twentieth part of every one's ſubſtance, they eſtabliſhed on that city a weekly aſſeſſ-

[s] Whitlocke, p. 62. Clarendon, vol. iii. p. 75. [t] Whitlocke, p. 62. [u] Clarendon, vol. iii. p. 87.

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ment of 10,000 pounds, and another of 23,518, on the reſt of the kingdom [w]. And as their authority was at preſent eſtabliſhed in moſt counties, they levied theſe taxes with regularity; though they amounted to ſums much greater than the nation had formerly paid to the Public.

1642.

1643. THE king and parliament ſent reciprocally their demands; and a treaty commenced, but without any ceſſation of hoſtilities, as had at firſt been propoſed. The earl of Northumberland, and four members of the lower houſe, came to Oxford as commiſſioners [x]. In this treaty, the king perpetually inſiſted on the re-eſtabliſhment of the crown in its legal powers, and on the reſtoration of his conſtitutional prerogative [y]: The parliament ſtill required new conceſſions, and a farther abridgment of regal authority, as a more effectual remedy to their fears and jealouſies. Finding the king ſupported by more forces, and a greater party than they had ever looked for, they ſeemingly abated ſomewhat of thoſe extravagant conditions, which they had formerly claimed; but their demands were ſtill too high for an equal treaty. Beſides other articles, to which a complete victory alone could entitle them, they required the king, in expreſs terms, utterly to aboliſh epiſcopacy; a demand, which, before, they had only inſinuated: And they required, that all other eccleſiaſtical controverſies ſhould be determined by *their* aſſembly of divines; that is, in the manner the moſt repugnant to the inclinations of the king and all his partizans. They inſiſted, that he ſhould ſubmit to the puniſhment of his moſt faithful adherents. And they deſired him to acquieſce in their ſettlement of the militia, and to confer on their adherents the entire power of the

Negociation at Oxford.

[w] Clarendon, vol. iii. p. 171.
[x] Whitlocke, p. 64.
[y] Ruſh. vol. vi. p. 202.

ſword.

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ſword. In anſwer to the king's propoſal, that his magazines, towns, forts, and ſhips, ſhould be reſtored to him, the parliament required, that they ſhould be put into ſuch hands as they could confide in[z]: The nineteen propoſitions, which they formerly ſent to the king, ſhewed their *inclination* to aboliſh monarchy: They only aſked, at preſent, the *power* of doing it. And having now, in the eye of the law, been guilty of treaſon, by levying war againſt their ſovereign; it is evident, that their fears and jealouſies muſt, on that account, have multiplied extremely; and have rendered their perſonal ſafety, which they interwove with the ſafety of the nation, ſtill more incompatible with the authority of the monarch. Though the gentleneſs and lenity of the king's temper might have enſured them againſt ſchemes of future vengeance; they preferred, as is, no doubt, natural, an independent ſecurity, accompanied too with ſovereign power, to the ſtation of ſubjects, and that not entirely guarded from all apprehenſions of danger[a].

THE conferences went no farther than the firſt demand on each ſide. The parliament, finding that there was no likelihood of coming to any agreement, ſuddenly recalled their commiſſioners.

A MILITARY enterprize, which they had concerted early in the ſpring, was immediately undertaken. Reading, the garriſon of the king's, which lay neareſt to London, was eſteemed a place of conſiderable ſtrength, in that age, when the art of attacking towns was not well underſtood in Europe, and was totally unknown in England. The earl of Eſſex ſat down before this place with an army of 18,000 men; and carried on the ſiege by regular approaches. Sir Arthur Aſton, the gover- 15th April.

[z] Ruſhworth, vol. vi. p. 166. Clarendon, vol. iii. p. 119.

[a] See note [PP] at the end of the volume.

nor,

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1643. nor, being wounded, colonel Fielding ſucceeded to the command. In a little time the town was found to be no longer in a condition of defence; and though the king approached, with an intention of obliging Eſſex to raiſe the ſiege, the diſpoſition of the parliamentary army was ſo ſtrong, as rendered the deſign impracticable. Fielding, therefore, was contented to yield the town, on condition that he ſhould bring off all the garriſon with the honours of war, and deliver up deſerters. This laſt article was thought ſo ignominious and ſo prejudicial to the king's intereſts, that the governor was tried by a council of war, and condemned to loſe his life, for conſenting to it. His ſentence was afterwards remitted by the king [b].

27th April.

Essex's army had been fully ſupplied with all neceſſaries from London: Even many ſuperfluities and luxuries were ſent them by the care of the zealous citizens: Yet the hardſhips, which they ſuffered from the ſiege, during ſo early a ſeaſon, had weakened them to ſuch a degree, that they were no longer fit for any new enterprize. And the two armies, for ſome time, encamped in the neighbourhood of each other, without attempting, on either ſide, any action of moment.

Besides the military operations between the principal armies, which lay in the centre of England; each county, each town, each family almoſt, was divided within itſelf; and the moſt violent convulſions ſhook the whole kingdom. Throughout the winter, continual efforts had every-where been made by each party to ſurmount its antagoniſt; and the Engliſh, rouzed from the lethargy of peace, with eager, though unſkilful hands, employed againſt their fellow-citizens their long-neglected weapons. The furious zeal for liberty and

[b] Ruſh. vol. vi. p. 265, &c. Clarendon, vol. iii. p. 237, 238, &c.

preſby-

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preſbyterian diſcipline, which had hitherto run uncontrouled throughout the nation, now at laſt excited an equal ardour for monarchy and epiſcopacy; when the intention of aboliſhing theſe ancient modes of government was openly avowed by the parliament. Conventions for neutrality, though, in ſeveral counties, they had been entered into, and confirmed by the moſt ſolemn oaths, yet, being voted illegal by the two houſes, were immediately broken[c]; and the fire of diſcord was ſpread into every quarter. The altercation of diſcourſe, the controverſies of the pen, but, above all, the declamations of the pulpit, indiſpoſed the minds of men towards each other, and propagated the blind rage of party[d]. Fierce, however, and inflamed as were the diſpoſitions of the Engliſh, by a war both civil and religious, that great deſtroyer of humanity; all the events of this period are leſs diſtinguiſhed by atrocious deeds either of treachery or cruelty, than were ever any inteſtine diſcords, which had ſo long a continuance. A circumſtance which will be found to reflect great praiſe on the national character of that people, now ſo unhappily rouzed to arms.

In the north, lord Fairfax commanded for the parliament, the earl of Newcaſtle for the king. The latter nobleman began thoſe aſſociations, which were afterwards ſo much practiſed in other parts of the kingdom. He united in a league for the king the counties of Northumberland, Cumberland, Weſtmoreland, and the Biſhopric, and engaged, ſome time after, other counties in the ſame aſſociation. Finding that Fairfax, aſſiſted by Hotham and the garriſon of Hull, was making progreſs in the ſouthern parts of Yorkſhire; he advanced with a body of four thouſand men, and took poſſeſſion of York. At Tadcaſter, he attacked the forces of the parlia-

[c] Clarendon, vol. iii. p. 137. 139.

[d] Dugdale, p. 95.

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ment, and diſlodged them: But his victory was not deciſive. In other rencounters he obtained ſome inconſiderable advantages. But the chief benefit, which reſulted from his enterprizes, was the eſtabliſhing of the king's authority in all the northern provinces.

In another part of the kingdom, lord Broke was killed by a ſhot, while he was taking poſſeſſion of Litchfield for the parliament[e]. After a ſhort combat, near Stafford, between the earl of Northampton and Sir John Gell, the former, who commanded the king's forces, was killed while he fought with great valour; and his forces, diſcouraged by his death, though they had obtained the advantage in the action, retreated into the town of Stafford[f].

Sir William Waller began to diſtinguiſh himſelf among the generals of the parliament. Active and indefatigable in his operations, rapid and enterprizing; he was fitted by his genius to the nature of the war; which, being managed by raw troops, conducted by unexperienced commanders, afforded ſucceſs to every bold and ſudden undertaking. After taking Wincheſter and Chicheſter, he advanced towards Gloceſter, which was in a manner blockaded by lord Herbert, who had levied conſiderable forces in Wales for the royal party[g]. While he attacked the Welſh on one ſide, a ſally from Gloceſter made impreſſion on the other. Herbert was defeated;

[e] He had taken poſſeſſion of Litchfield, and was viewing from a window St. Chad's cathedral, in which a party of the royaliſts had fortified themſelves. He was eaſed in complete armour, but was ſhot through the eye by a random-ball. Lord Broke was a zealous puritan; and had formerly ſaid, that he hoped to ſee with his eyes the ruin of all the cathedrals of England. It was a ſuperſtitious remark of the royaliſts, that he was killed on St. Chad's day by a ſhot from St. Chad's cathedral, which pierced that very eye by which he hoped to ſee the ruin of all cathedrals. Dugdale. p. 118. Clarendon, &c.

[f] Whitlocke, p. 66. Ruſh. vol. vi. p. 152. Clarendon, vol. iii. p. 151.

[g] Ruſh. vol. vi. p. 92. 100.

five

five hundred of his men killed on the ſpot; a thouſand taken priſoners; and he himſelf eſcaped with ſome difficulty to Oxford. Hereford, eſteemed a ſtrong town, defended by a conſiderable garriſon, was ſurrendered to Waller, from the cowardice of Colonel Price, the governor. Tewkeſbury underwent the ſame fate. Worceſter refuſed him admittance; and Waller, without placing any garriſons in his new conqueſts, retired to Gloceſter, and he thence joined the army under the earl of Eſſex [h]. CHAP. LVI. 1643.

Victories of the royaliſts in the weſt.

But the moſt memorable actions of valour, during this winter-ſeaſon, were performed in the weſt. When Sir Ralph Hopton, with his ſmall troop, retired into Cornwall before the earl of Bedford, that nobleman, deſpiſing ſo inconſiderable a force, abandoned the purſuit, and committed the care of ſuppreſſing the royal party to the ſheriffs of the county. But the affections of Cornwall were much inclined to the king's ſervice. While Sir Richard Buller and Sir Alexander Carew lay at Launceſton, and employed themſelves in executing the parliament's ordinance for the militia, a meeting of the county was aſſembled at Truro; and after Hopton produced his commiſſion from the earl of Hertford, the king's general, it was agreed to execute the laws, and to expel theſe invaders of the county. The train-bands were accordingly levied, Launceſton taken, and all Cornwall reduced to peace and to obedience under the king.

It had been uſual for the royal party, on the commencement of theſe diſorders, to claim, on all occaſions, the ſtrict execution of the laws, which, they knew, were favourable to them; and the parliament, rather than have recourſe to the plea of neceſſity, and vow the tranſgreſſion of any ſtatute, had alſo been accuſtomed to

[h] Ruſh. vol. vi. p. 263.

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warp the laws, and, by forced conſtructions, to interpret them in their own favour[1]. But though the king was naturally the gainer by ſuch a method of conducting war, and it was by favour of law that the train-bands were raiſed in Cornwall; it appeared that thoſe maxims were now prejudicial to the royal party. Theſe troops could not legally, without their own conſent, be carried out of the county; and conſequently, it was impoſſible to puſh into Devonſhire the advantage which they had obtained. The Corniſh royaliſts, therefore, bethought themſelves of levying a force, which might be more ſerviceable. Sir Bevil Granville, the moſt beloved man of that country, Sir Ralph Hopton, Sir Nicholas Slanning, Arundel, and Trevannion, undertook, at their own charges, to raiſe an army for the king; and their great intereſt in Cornwall ſoon enabled them to effect their purpoſe. The parliament, alarmed at this appearance of the royaliſts, gave a commiſſion to Ruthven, a Scotchman, governor of Plymouth, to march with all the forces of Dorſet, Somerſet, and Devon, and make an entire conqueſt of Cornwall. The earl of Stamford followed him, at ſome diſtance, with a conſiderable ſupply. Ruthven, having entered Cornwall by bridges thrown over the Tamar, haſtened to an action; leſt Stamford ſhould join him, and obtain the honour of that victory, which he looked for with aſſurance. The royaliſts, in like manner, were impatient to bring the affair to a deciſion, before Ruthven's army ſhould receive ſo conſiderable a reinforcement. The battle was fought on Bradoc down; and the king's forces, though inferior in number, gave a total defeat to their enemies. Ruthven, with a few broken troops, fled to Saltaſh; and when that town was taken, he eſcaped, with ſome difficulty, and almoſt alone, into Plymouth. Stamford

[1] Clarendon, vol. iii. p. 130.

retired,

retired, and distributed his forces into Plymouth and Exeter. CHAP. LVI.

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NOTWITHSTANDING these advantages, the extreme want both of money and ammunition, under which the Cornish royalists laboured, obliged them to enter into a convention of neutrality with the parliamentary party in Devonshire; and this neutrality held all the winter-season. In the spring, it was broken by the authority of the two houses; and war recommenced with great appearance of disadvantage to the king's party. Stamford, having assembled a strong body of near seven thousand men, well supplied with money, provisions, and ammunition, advanced upon the royalists, who were not half his number, and were oppressed by every kind of necessity. Despair, joined to the natural gallantry of these troops, commanded by the prime gentry of the county, made them resolve, by one vigorous effort, to overcome all these advantages. Stamford being encamped on the top of a high hill near Stratton, they attacked him in four divisions, at five in the morning, having lain all night under arms. One division was commanded by lord Mohun and Sir Ralph Hopton, another by Sir Beville Granville and Sir John Berkeley, a third by Slanning and Trevannion, a fourth by Basset and Godolphin. In this manner the action began; the king's forces pressing with vigour those four ways up the hill, and their enemies obstinately defending themselves. The fight continued with doubtful success, till word was brought to the chief officers of the Cornish, that their ammunition was spent to less than four barrels of powder. This defect, which they concealed from the soldiers, they resolved to supply by their valour. They agreed to advance without firing till they should reach the top of the hill, and could be on equal ground with the enemy. The courage of the officers was so well seconded by the sol-

Battle of Stratton. May 16th.

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diers, that the royaliſts began on all ſides to gain ground. Major-general Chidley, who commanded the parliamentary army (for Stamford kept at a diſtance) failed not in his duty; and when he ſaw his men recoil, he himſelf advanced with a good ſtand of pikes, and, piercing into the thickeſt of the enemy, was at laſt overpowered by numbers, and taken priſoner. His army, upon this diſaſter, gave ground apace; inſomuch that the four parties of the royaliſts, growing nearer and nearer as they aſcended, at length met together upon the plain at the top; where they embraced with great joy, and ſignalized their victory with loud ſhouts and mutual congratulations[k].

AFTER this ſucceſs, the attention both of king and parliament was turned towards the weſt, as to a very important ſcene of action. The king ſent thither the marquis of Hertford and prince Maurice with a reinforcement of cavalry; who, having joined the Corniſh army, ſoon over-ran the county of Devon; and advancing into that of Somerſet, began to reduce it to obedience. On the other hand, the parliament, having ſupplied Sir William Waller, in whom they much truſted, with a complete army, diſpatched him weſtwards, in order to check the progreſs of the royaliſts. After ſome ſkirmiſhes, the two armies met at Lanſdown, near Bath, and fought a pitched battle, with great loſs on both ſides, but without any deciſive event[l]. The gallant Granville was there killed; and Hopton, by the blowing up of ſome powder, was dangerouſly hurt. The royaliſts next attempted to march eaſtwards, and to join their forces to the king's at Oxford: But Waller hung on their rear, and infeſted their march till they reached the Devizes. Reinforced

Battle of Lanſdown. 5th July.

[k] Ruſh. vol vi. p. 267. 273. Clarendon, vol. iii. p. 269. 279.
[l] Ruſh. vol. vi. p. 284. Clarendon, vol. iii. p. 282.

by

by additional troops, which flocked to him from all quarters; he ſo much ſurpaſſed the royaliſts in number, that they durſt no longer continue their march, or expoſe themſelves to the hazard of an action. It was reſolved, that Hertford and prince Maurice ſhould proceed with the cavalry; and, having procured a reinforcement from the king, ſhould haſten back to the relief of their friends. Waller was ſo confident of taking this body of infantry now abandoned by the horſe, that he wrote to the parliament, that their work was done, and that, by the next poſt, he would inform them of the number and quality of the priſoners. But the king, even before Hertford's arrival, hearing of the great difficulties to which his weſtern army was reduced, had prepared a conſiderable body of cavalry, which he immediately diſpatched to their ſuccour under the command of lord Wilmot. Waller drew up on Roundway-down, about two miles from the Devizes; and advancing with his cavalry to fight Wilmot, and prevent his conjunction with the Corniſh infantry, was received with equal valour by the royaliſts. After a ſharp action he was totally routed, and, flying with a few horſe, eſcaped to Briſtol. Wilmot, ſeizing the enemy's cannon, and having joined his friends, whom he came to relieve, attacked Waller's infantry with redoubled courage, drove them off the field, and routed and diſperſed the whole army[m].

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Battle of Roundway-down. 13th July.

THIS important victory, following ſo quick after many other ſucceſſes, ſtruck great diſmay into the parliament, and gave an alarm to their principal army commanded by Eſſex. Waller exclaimed loudly againſt that general, for allowing Wilmot to paſs him, and proceed without any interruption to the ſuccour of the diſtreſſed infantry

[m] Ruſh. vol. vi. p. 285. Clarendon, vol. iii. p. 291.

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at the Devizes. But Eſſex, finding that his army fell continually to decay after the ſiege of Reading, was reſolved to remain upon the defenſive; and the weakneſs of the king, and his want of all military ſtores, had alſo reſtrained the activity of the royal army. No action had happened in that part of England, except one ſkirmiſh, which, of itſelf, was of no great conſequence, and was rendered memorable by the death alone of the famous Hambden.

Colonel Urrey, a Scotchman, who ſerved in the parliamentary army, having received ſome diſguſt, came to Oxford, and offered his ſervices to the king. In order to prove the ſincerity of his converſion, he informed Prince Rupert of the looſe diſpoſition of the enemy's quarters, and exhorted him to form ſome attempt upon them. The Prince, who was entirely fitted for that kind of ſervice, falling ſuddenly upon the diſperſed bodies of Eſſex's army, routed two regiments of cavalry and one of infantry, and carried his ravages within two miles of the general's quarters. The alarm being given, every one mounted on horſeback, in order to purſue the prince, to recover the priſoners, and to repair the diſgrace which the army had ſuſtained. Among the reſt, Hambden, who had a regiment of infantry that lay at a diſtance, joined the horſe as a volunteer; and overtaking the royaliſts on Chalgrave field, entered into the thickeſt of the battle. By the bravery and activity of Rupert, the king's troops were brought off, and a great booty, together with two hundred priſoners, was conveyed to Oxford. But what moſt pleaſed the royaliſts, was, the expectation that ſome diſaſter had happened to Hambden, their capital and much dreaded enemy. One of the priſoners taken in the action ſaid, that he was confident Mr Hambden was hurt: For he ſaw him, contrary to his uſual cuſtom, ride off the field, before the action was

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was finiſhed; his head hanging down, and his hands leaning upon his horſe's neck. Next day, the news arrived, that he was ſhot in the ſhoulder with a brace of bullets, and the bone broken. Some days after, he died, in exquiſite pain, of his wound; nor could his whole party, had their army met with a total overthrow, have been thrown into greater conſternation. The king himſelf ſo highly valued him, that, either from generoſity or policy, he intended to have ſent him his own ſurgeon to aſſiſt at his cure [n].

1643. Death of Hambden.

MANY were the virtues and talents of this eminent perſonage; and his valour, during the war, had ſhone out with a luſtre equal to that of the other accompliſhments by which he had ever been diſtinguiſhed. Affability in converſation; temper, art, and eloquence in debate; penetration and diſcernment in counſel; induſtry, vigilance, and enterprize in action; all theſe praiſes are unanimouſly aſcribed to him by hiſtorians of the moſt oppoſite parties. His virtue too and integrity, in all the duties of private life, are allowed to have been beyond exception: We muſt only be cautious, notwithſtanding his generous zeal for liberty, not haſtily to aſcribe to him the praiſes of a good citizen. Through all the horrors of civil war, he ſought the abolition of monarchy, and ſubverſion of the conſtitution; an end, which, had it been attainable by peaceful meaſures, ought carefully to have been avoided by every lover of his country. But whether, in the purſuit of this violent enterprize, he was actuated by private ambition, or by honeſt prejudices, derived from the former exorbitant powers of royalty, it belongs not to an hiſtorian of this age, ſcarcely even to an intimate friend, poſitively to determine [o].

[n] Warwick's Memoirs, p. 241. Clarendon, vol. i. p. 264. [o] See note [GG] at the end of the volume.

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Essex, discouraged by this event, dismayed by the total rout of Waller, was farther informed, that the queen, who landed in Burlington-bay, had arrived at Oxford, and had brought from the north a reinforcement of three thousand foot and fifteen hundred horse. Dislodging from Thame and Aylesbury, where he had hitherto lain, he thought proper to retreat nearer to London, and he shewed to his friends his broken and disheartened forces, which a few months before he had led into the field in so flourishing a condition. The king, freed from this enemy, sent his army westward under prince Rupert; and, by their conjunction with the Cornish troops, a formidable force, for numbers as well as reputation and valour, was composed. That an enterprize, correspondent to men's expectations, might be undertaken, the prince resolved to lay siege to Bristol, the second town for riches and greatness in the kingdom. Nathaniel Fiennes, son of Lord Say, he himself, as well as his father, a great parliamentary leader, was governor, and commanded a garrison of two thousand five hundred foot, and two regiments, one of horse, another of dragoons. The fortifications not being complete or regular, it was resolved by prince Rupert to storm the city; and next morning, with little other provisions suitable to such a work, besides the courage of the troops, the assault began. The Cornish, in three divisions, attacked the west side, with a resolution which nothing could controul: But though the middle division had already mounted the wall, so great was the disadvantage of the ground, and so brave the defence of the garrison, that in the end the assailants were repulsed with a considerable loss both of officers and soldiers. On the prince's side, the assault was conducted with equal courage, and almost with equal loss, but with better success. One party, led by lord Grandison, was indeed beaten off, and

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the commander himſelf mortally wounded: Another, conducted by colonel Bellaſis, met with a like fate: But Waſhington, with a leſs party, finding a place in the curtain weaker than the reſt, broke in, and quickly made room for the horſe to follow. By this irruption, however, nothing but the ſuburbs was yet gained: The entrance into the town was ſtill more difficult: And by the loſs already ſuſtained, as well as by the proſpect of farther danger, every one was extremely diſcouraged: When, to the great joy of the army, the city beat a parley. The garriſon was allowed to march out with their arms and baggage, leaving their cannon, ammunition, and colours. For this inſtance of cowardice, Fiennes was afterwards tried by a court-martial, and condemned to loſe his head; but the ſentence was remitted by the general [p].

Briſtol taken. 25th July.

GREAT complaints were made of violences exerciſed on the garriſon, contrary to the capitulation. An apology was made by the royaliſts, as if theſe were a retaliation for ſome violences committed on their friends at the ſurrender of Reading. And under pretence of like retaliations, but really from the extreme animoſity of the parties, were ſuch irrgularities continued during the whole courſe of the war [q].

THE loſs ſuſtained by the royaliſts, in the aſſault of Briſtol, was conſiderable. Five hundred excellent ſoldiers periſhed. Among thoſe of condition were Grandiſon, Slanning, Trevannion, and Moyle: Bellaſis, Aſhley, and Sir John Owen, were wounded: Yet was the ſucceſs, upon the whole, ſo conſiderable as mightily raiſed the courage of the one party, and depreſſed that of the other. The king, to ſhow that he was not intoxicated with good fortune, nor aſpired to a total victory

[p] Ruſhworth, vol. vi. p. 284. Clarendon, vol. iii. p. 293, 294, &c.
[q] Clarendon, ubi ſupra, p. 297.

over

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1643. over the parliament, publiſhed a manifeſto; in which he renewed the proteſtation, formerly taken, with great ſolemnity, at the head of his army, and expreſſed his firm intention of making peace upon the re-eſtabliſhment of the conſtitution. Having joined the camp at Briſtol, and ſent prince Maurice with a detachment into Devonſhire, he deliberated how to employ the remaining forces in an enterprize of moment. Some propoſed, and ſeemingly with reaſon, to march directly to London; where every thing was in confuſion, where the army of the parliament was baffled, weakened, and diſmayed, and where, it was hoped, either by an inſurrection of the citizens, by victory, or by treaty, a ſpeedy end might be put to the civil diſorders. But this undertaking, by reaſon of the great number and force of the London militia, was thought by many to be attended with conſiderable difficulties. Gloceſter, lying within twenty miles, preſented an eaſier, yet a very important conqueſt. It was the only remaining garriſon poſſeſſed by the parliament in thoſe parts. Could that city be reduced, the king held the whole courſe of the Severn under his command; the rich and malcontent counties of the weſt, having loſt all protection from their friends, might be forced to pay high contributions, as an atonement for their diſaffection; an open communication could be preſerved between Wales and theſe new conqueſts; and half of the kingdom, being entirely freed from the enemy, and thus united into one firm body, might be employed in re-eſtabliſhing the king's authority throughout the remainder. Theſe were the reaſons for embracing that reſolution; fatal, as it was ever eſteemed, to the royal party[r].

Siege of Gloceſter.

THE governor of Gloceſter was one Maſſey, a ſoldier of fortune, who, before he engaged with the parliament,

[r] Whitlocke, p. 69. May, book iii. p. 91.

had

had offered his ſervice to the king; and as he was free from the fumes of enthuſiaſm, by which moſt of the officers on that ſide were intoxicated, he would lend an ear, it was preſumed, to propoſals for accommodation. But Maſſey was reſolute to preſerve an entire fidelity to his maſters; and though no enthuſiaſt himſelf, he well knew how to employ to advantage that enthuſiaſtic ſpirit ſo prevalent in his city and garriſon. The ſummons to ſurrender allowed two hours for an anſwer: But before that time expired, there appeared before the king two citizens, with lean, pale, ſharp, and diſmal viſages: Faces, ſo ſtrange and uncouth, according to Lord Clarendon; figures, ſo habited and accoutred, as at once moved the moſt ſevere countenance to mirth, and the moſt cheerful heart to ſadneſs: It ſeemed impoſſible, that ſuch meſſengers could bring leſs than a defiance. The men, without any circumſtance of duty or good manners, in a pert, ſhrill, undiſmayed accent, ſaid, that they brought an anſwer from the godly city of Gloceſter: And extremely ready were they, according to the hiſtorian, to give inſolent and ſeditious replies to any queſtion; as if their buſineſs were chiefly, by provoking the king, to make him violate his own ſafe-conduct. The anſwer from the city was in theſe words: "We, "the inhabitants, magiſtrates, officers and ſoldiers, "within the garriſon of Gloceſter, unto his majeſty's "gracious meſſage, return this humble anſwer: That "we do keep this city, according to our oaths and alle-"giance, to and for the uſe of his majeſty and of his "royal poſterity: And do accordingly conceive our-"ſelves wholly bound to obey the commands of his "majeſty ſignified by both houſes of parliament: And "are reſolved, by God's help, to keep this city accord-"ingly[a]." After theſe preliminaries, the ſiege was

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10th Aug.

[a] Ruſh. vol. vi. p. 287. Clarendon, vol. iii. p. 315. May, book iii. p. 96.

reſo-

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reſolutely undertaken by the army, and as reſolutely ſuſtained by the citizens and garriſon.

When intelligence of the ſiege of Gloceſter arrived in London, the conſternation among the inhabitants was as great as if the enemy were already at their gates. The rapid progreſs of the royaliſts threatened the parliament with immediate ſubjection: The factions and diſcontents, among themſelves, in the city, and throughout the neighbouring counties, prognoſticated ſome dangerous diviſion or inſurrection. Thoſe parliamentary leaders, it muſt be owned, who had introduced ſuch mighty innovations into the Engliſh conſtitution, and who had projected ſo much greater, had not engaged in an enterprize which exceeded their courage and capacity. Great vigour, from the beginning, as well as wiſdom, they had diſplayed in all their counſels; and a furious, headſtrong body, broken looſe from the reſtraint of law, had hitherto been retained in ſubjection under their authority, and firmly united by zeal and paſſion, as by the moſt legal and eſtabliſhed government. A ſmall committee, on whom the two houſes devolved their power, had directed all their military operations, and had preſerved a ſecrecy in deliberation, and a promptitude in execution, beyond what the king, notwithſtanding the advantages poſſeſſed by a ſingle leader, had ever been able to attain. Senſible that no jealouſy was by their partizans entertained againſt them, they had on all occaſions exerted an authority much more deſpotic than the royaliſts, even during the preſſing exigencies of war, could with patience endure in their ſovereign. Whoever incurred their diſpleaſure, or was expoſed to their ſuſpicions, was committed to priſon, and proſecuted under the notion of delinquency: After all the old jails were full, many new ones were erected; and even the ſhips were crowded with the royaliſts, both gentry and clergy, who languiſhed below decks, and periſhed in

in thoſe unhealthy confinements: They impoſed taxes, the heavieſt, and of the moſt unuſual nature, by an ordinance of the two houſes: They voted a commiſſion for ſequeſtrations; and they ſeized, wherever they had power, the revenues of all the king's party[t]: And knowing that themſelves, and all their adherents, were, by reſiſting the prince, expoſed to the penalties of laws, they reſolved, by a ſevere adminiſtration, to overcome theſe terrors, and to retain the people in obedience, by penalties of a more immediate execution. In the beginning of this ſummer, a combination, formed againſt them in London, had obliged them to exert the plenitude of their authority. CHAP. LVI. 1643.

EDMOND WALLER, the firſt refiner of Engliſh verſification, was a member of the lower houſe; a man of conſiderable fortune, and not more diſtinguiſhed by his poetical genius than by his parliamentary talents, and by the politeneſs and elegance of his manners. As full of keen ſatire and invective in his eloquence, as of tenderneſs and panegyric in his poetry, he caught the attention of his hearers, and exerted the utmoſt boldneſs in blaming thoſe violent counſels, by which the commons were governed. Finding all oppoſition within doors to be fruitleſs, he endeavoured to form a party without, which might oblige the parliament to accept of reaſonable conditions, and reſtore peace to the nation. The charms of his converſation, joined to his character of courage and integrity, had procured him the entire confidence of Northumberland, Conway, and every eminent perſon of either ſex, who reſided in London. They opened their breaſt to him without reſerve, and expreſſed their diſapprobation of the furious meaſures purſued by the com-

[t] The king afterwards copied from this example; but, as the far greater part of the nobility and landed gentry were his friends, he reaped much leſs profit from this meaſure.

mons,

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mons, and their wiſhes that ſome expedient could be found for ſtopping ſo impetuous a career. Tomkins, Waller's brother-in-law, and Chaloner, the intimate friend of Tomkins, had entertained like ſentiments: And as the connexions of theſe two gentlemen lay chiefly in the city, they informed Waller, that the ſame abhorrence of war prevailed there, among all men of reaſon and moderation. Upon reflection it ſeemed not impracticable, that a combination might be formed between the lords and citizens; and, by mutual concert, the illegal taxes be refuſed, which the parliament, without the royal aſſent, impoſed on the people. While this affair was in agitation, and liſts were making of ſuch as they conceived to be well-affected to their deſign; a ſervant of Tomkins, who had overheard their diſcourſe, immediately carried intelligence to Pym. Waller, Tomkins, and Chaloner were ſeized, and tried by a court-martial[u]. They were all three condemned, and the two latter executed on gibbets erected before their own doors. A covenant, as a teſt, was taken[w] by the lords and commons, and impoſed on their army, and on all who lived within their quarters. Beſides reſolving to amend and reform their lives, the covenanters there vow, that they will never lay down their arms ſo long as the papiſts, now in open war againſt the parliament, ſhall, by force of arms, be protected from juſtice; they expreſs their abhorrence of the late conſpiracy; and they promiſe to aſſiſt to the utmoſt the forces raiſed by both houſes, againſt the forces levied by the king[x].

WALLER, as ſoon as impriſoned, ſenſible of the great danger into which he had fallen, was ſo ſeized with the dread of death, that all his former ſpirit deſerted him;

[u] Ruſhworth, vol. vi. p. 326. Clarendon, vol. iii. p. 249, 250, &c.

[w] 6th of June.

[x] Ruſh. vol. vi. p. 385. Clarendon, vol. ii. p. 255.

and

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and he confeſſed whatever he knew, without ſparing his moſt intimate friends, without regard to the confidence repoſed in him, without diſtinguiſhing between the negligence of familiar converſation and the ſchemes of a regular conſpiracy. With the moſt profound diſſimulation, he counterfeited ſuch remorſe of conſcience, that his execution was put off, out of mere chriſtian compaſſion, till he might recover the uſe of his underſtanding. He invited viſits from the ruling clergy of all ſects; and while he expreſſed his own penitence, he received their devout exhortations with humility and reverence, as conveying clearer conviction and information than in his life he had ever before attained. Preſents too, of which, as well as of flattery, theſe holy men were not inſenſible, were diſtributed among them; as a ſmall retribution for their prayers and ghoſtly counſel. And by all theſe artifices, more than from any regard to the beauty of his genius, of which, during that time of furious cant and faction, ſmall account would be made, he prevailed ſo far as to have his life ſpared, and a fine of ten thouſand pounds accepted in lieu of it [y].

THE ſeverity, exerciſed againſt the conſpiracy, or rather project, of Waller, encreaſed the authority of the parliament, and ſeemed to enſure them againſt like attempts for the future. But by the progreſs of the king's arms, the defeat of Sir William Waller, the taking of Briſtol, the ſiege of Gloceſter, a cry for peace was renewed, and with more violence than ever. Crowds of women, with a petition for that purpoſe, flocked about the houſe, and were ſo clamorous and importunate, that orders were given for diſperſing them; and ſome of the females were killed in the fray [z]. Bedford, Holland, and Conway, had deſerted the parliament, and had gone

[y] Whitlocke, p. 66. Ruſhworth, vol. vi. p. 330. Clarendon, vol. iii. p. 253, 254, &c.

[z] Ruſhworth, vol. vi. p. 357.

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to Oxford; Clare and Lovelace had followed them[a]. Northumberland had retired to his country-ſeat: Eſſex himſelf ſhewed extreme diſſatisfaction, and exhorted the parliament to make peace[b]. The upper houſe ſent down terms of accommodation, more moderate than had hitherto been inſiſted on. It even paſſed by a majority among the commons, that theſe propoſals ſhould be tranſmitted to the king. The zealots took the alarm. A petition againſt peace was framed in the city, and preſented by Pennington, the factious mayor. Multitudes attended him, and renewed all the former menaces againſt the moderate party[c]. The pulpits thundered, and rumours were ſpread of twenty thouſand Iriſh, who had landed, and were to cut the throat of every proteſtant[d]. The majority was again turned to the other ſide; and all thoughts of pacification being dropped, every preparation was made for reſiſtance, and for the immediate relief of Gloceſter, on which the parliament was ſenſible, all their hopes of ſucceſs in the war did ſo much depend.

MASSEY, reſolute to make a vigorous defence, and having under his command a city and garriſon ambitious of the crown of martyrdom, had hitherto maintained the ſiege with courage and abilities, and had much retarded the advances of the king's army. By continual ſallies, he infeſted them in their trenches, and gained ſudden advantages over them: By diſputing every inch of ground, he repreſſed the vigour and alacrity of their courage, elated by former ſucceſſes. His garriſon, however, was reduced to the laſt extremity; and he failed not, from time to time, to inform the parliament, that, unleſs ſpeedily relieved, he ſhould be neceſſitated, from the extreme want of proviſions and ammunition, to open his gates to the enemy.

[a] Whitlocke, p. 67. [b] Ruſh. vol. vi. p. 290. [c] Idem, ibid. p. 356. [d] Clarendon, vol. iii. p. 320. Ruſh. vol. vi. p. 588.

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THE parliament, in order to repair their broken condition, and put themſelves in a poſture of defence, now exerted to the utmoſt their power and authority. They voted, that an army ſhould be levied under Sir William Waller, whom, notwithſtanding his misfortunes, they loaded with extraordinary careſſes. Having aſſociated in their cauſe the counties of Hertford, Eſſex, Cambridge, Norfolk, Suffolk, Lincoln, and Huntingdon, they gave the Earl of Mancheſter a commiſſion to be general of the aſſociation, and appointed an army to be levied under his command. But, above all, they were intent that Eſſex's army, on which their whole fortune depended, ſhould be put in a condition of marching againſt the king. They excited afreſh their preachers to furious declamations againſt the royal cauſe. They even employed the expedient of preſſing, though aboliſhed by a late law, for which they had ſtrenuouſly contended [e]. And they engaged the city to ſend four regiments of its militia to the relief of Gloceſter. All ſhops, meanwhile, were ordered to be ſhut; and every man expected, with the utmoſt anxiety, the event of that important enterprize [f].

ESSEX, carrying with him a well-appointed army of 14,000 men, took the road of Bedford and Leiceſter; and, though inferior in cavalry, yet, by the mere force of conduct and diſcipline, he paſſed over thoſe open champaign countries, and defended himſelf from the enemy's horſe, who had advanced to meet him, and who infeſted him during his whole march. As he approached to Gloceſter, the king was obliged to raiſe the ſiege, and open the way for Eſſex to enter that city. The neceſſities of the garriſon were extreme. One barrel of powder was their whole ſtock of ammunition remaining; and their other proviſions were in the ſame proportion. Eſſex had brought with him military-ſtores; and the neighbouring

[e] Ruſh. vol. vi. p. 292. [f] Idem, ibid.

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THE chief difficulty ſtill remained. Eſſex dreaded a battle with the king's army, on account of its great ſuperiority in cavalry; and he reſolved to return, if poſſible, without running that hazard. He lay five days at Tewkeſbury, which was his firſt ſtage after leaving Gloceſter; and he feigned, by ſome preparations, to point towards Worceſter. By a forced march during the night, he reached Cirenceſter, and obtained the double advantage of paſſing unmoleſted an open country, and of ſurpriſing a convoy of proviſions, which lay in that town [h]. Without delay, he proceeded towards London; but, when he reached Newbury, he was ſurpriſed to find, that the king, by haſty marches, had arrived before him, and was already poſſeſſed of the place.

20th Sept. AN action was now unavoidable; and Eſſex prepared for it with preſence of mind, and not without military conduct. On both ſides, the battle was fought with deſperate valour and a ſteady bravery. Eſſex's horſe were ſeveral times broken by the king's, but his infantry maintained themſelves in firm array; and, beſides giving a continued fire, they preſented an invincible rampart of pikes againſt the furious ſhock of prince Rupert, and thoſe gallant troops of gentry, of which the royal cavalry was chiefly compoſed. The militia of London eſpecially, though utterly unacquainted with action, though drawn but a few days before from their ordinary occupations, yet having learned all military exerciſes, and being animated with unconquerable zeal for the cauſe in which they were engaged, equalled, on this occaſion,

Battle of Newbury.

[g] Clarendon, vol. iii. p. 344. [h] Ruſh. vol. vi. p. 292.

what

what could be expected from the moſt veteran forces. While the armies were engaged with the utmoſt ardour, night put an end to the action, and left the victory undecided. Next morning, Eſſex proceeded on his march; and though his rear was once put in ſome diſorder by an incurſion of the king's horſe, he reached London in ſafety, and received applauſe for his conduct and ſucceſs in the whole enterprize. The king followed him on his march; and having taken poſſeſſion of Reading, after the earl left it, he there eſtabliſhed a garriſon; and ſtraitened, by that means, London, and the quarters of the enemy[1].

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In the battle of Newbury, on the part of the king, beſides the earls of Sunderland and Carnarvon, two noblemen of promiſing hopes, were unfortunately ſlain, to the regret of every lover of ingenuity and virtue throughout the kingdom, Lucius Cary viſcount Falkland, ſecretary of ſtate. Before aſſembling the preſent parliament, this man, devoted to the purſuits of learning, and to the ſociety of all the polite and elegant, had enjoyed himſelf in every pleaſure, which a fine genius, a generous diſpoſition, and an opulent fortune could afford. Called into public life, he ſtood foremoſt in all attacks on the high prerogatives of the crown; and diſplayed that maſculine eloquence, and undaunted love of liberty, which, from his intimate acquaintance with the ſublime ſpirits of antiquity, he had greedily imbibed. When civil convulſions proceeded to extremities, and it became requiſite for him to chuſe his ſide; he tempered the ardour of his zeal, and embraced the defence of thoſe limited powers which remained to monarchy, and which he deemed neceſſary for the ſupport of the Engliſh conſtitution. Still anxious, however, for his country, he ſeems to have dreaded the too proſperous ſucceſs of his

[1] Ruſh. vol. vi. p. 293. Clarendon, vol. iii. p. 347.

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own party as much as of the enemy; and, among his intimate friends, often after a deep ſilence, and frequent ſighs, he would, with a ſad accent, reiterate the word, *Peace*. In excuſe for the too free expoſing of his perſon, which ſeemed unſuitable in a ſecretary of ſtate, he alledged, that it became him to be more active than other men in all hazardous enterpriſes, leſt his impatience for peace might bear the imputation of cowardice or puſillanimity. From the commencement of the war, his natural cheerfulneſs and vivacity became clouded; and even his uſual attention to dreſs, required by his birth and ſtation, gave way to a negligence, which was eaſily obſervable. On the morning of the battle in which he fell, he had ſhown ſome care of adorning his perſon; and gave for a reaſon, that the enemy ſhould not find his body in any ſlovenly, indecent ſituation. "I am weary," ſubjoined he, "of the times, and foreſee much miſery to my coun-"try; but believe, that I ſhall be out of it ere night[k]." This excellent perſon was but thirty-four years of age, when a period was thus put to his life.

THE loſs ſuſtained on both ſides in the battle of Newbury, and the advanced ſeaſon, obliged the armies to retire into winter-quarters.

Actions in the north.

IN the north, during this ſummer, the great intereſt and popularity of the earl, now created marquis of Newcaſtle, had raiſed a conſiderable force for the king; and great hopes of ſucceſs were entertained from that quarter. There appeared, however, in oppoſition to him, two men, on whom the event of the war finally depended, and who began about this time to be remarked for their valour and military conduct. Theſe were Sir Thomas Fairfax, ſon of the lord of that name, and Oliver Cromwel. The former gained a conſiderable advantage at

[k] Whitlocke, p. 70. Clarendon, vol. iii. p. 350, 351, &c.

Wakefield

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Wakefield [l] over a detachment of royaliſts, and took general Goring priſoner: The latter obtained a victory at Gainſborow [m] over a party commanded by the gallant Cavendiſh, who periſhed in the action. But both theſe defeats of the royaliſts were more than ſufficiently compenſated by the total rout of lord Fairfax at Atherton moor [n], and the diſperſion of his army. After this victory, Newcaſtle, with an army of 15,000 men, ſat down before Hull. Hotham was no longer governor of this place. That gentleman and his ſon, partly from a jealouſy entertained of lord Fairfax, partly repenting of their engagements againſt the king, had entered into a correſpondence with Newcaſtle, and had expreſſed an intention of delivering Hull into his hands. But their conſpiracy being detected, they were arreſted and ſent priſoners to London; where, without any regard to their former ſervices, they fell, both of them, victims to the ſeverity of the parliament [o].

Newcastle, having carried on the attack of Hull for ſome time, was beat off by a ſally of the garriſon [p], and ſuffered ſo much, that he thought proper to raiſe the ſiege. About the ſame time, Mancheſter, who advanced from the eaſtern aſſociated counties, having joined Cromwel and young Fairfax, obtained a conſiderable victory over the royaliſts at Horn Caſtle; where the two officers laſt mentioned gained renown by their conduct and gallantry. And though fortune had thus balanced her favours, the king's party ſtill remained much ſuperior in thoſe parts of England; and had it not been for the garriſon of Hull, which kept Yorkſhire in awe, a conjunction of the northern forces with the army in the ſouth might have been made, and had probably enabled the king, inſtead of entering on the unfortunate, perhaps

[l] 21ſt of May. [m] 31ſt of July. [n] 30th of June.
[o] Ruſh. vol. vi. p. 275. [p] 12th of October.

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imprudent enterprize of Gloceſter, to march directly to London, and put an end to the war [q].

WHILE the military enterprizes were carried on with vigour in England, and the event became every day more doubtful, both parties caſt their eye towards the neighbouring kingdoms, and ſought aſſiſtance for the finiſhing of that enterprize, in which their own forces experienced ſuch furious oppoſition. The parliament had recourſe to Scotland; the king, to Ireland.

WHEN the Scottiſh covenanters obtained that end, for which they ſo earneſtly contended, the eſtabliſhment of preſbyterian diſcipline in their own country, they were not ſatisfied, but indulged ſtill an ardent paſſion for propagating, by all methods, that mode of religion in the neighbouring kingdoms. Having flattered themſelves, in the fervor of their zeal, that, by ſupernatural aſſiſtances, they ſhould be enabled to carry their triumphant covenant to the gates of Rome itſelf, it behoved them firſt to render it prevalent in England, which already ſhowed ſo great a diſpoſition to receive it. Even in the articles of pacification, they expreſſed a deſire of uniformity in worſhip with England; and the king, employing general expreſſions, had approved of this inclination, as pious and laudable. No ſooner was there an appearance of a rupture, than the Engliſh parliament, in order to allure that nation into a cloſe confederacy, openly declared their wiſhes of eccleſiaſtical reformation, and of imitating the example of their northern brethren [r]. When war was actually commenced, the ſame artifices were uſed; and the Scots beheld, with the utmoſt impatience, a ſcene of action, of which they could not deem themſelves indifferent ſpectators. Should the king, they ſaid, be able, by force of arms, to prevail over the parliament of Eng-

[q] Warwick, p. 261. Walker, p. 278. Clarendon, vol. iii. p. 68.

[r] Ruſh. vol. vi. p. 390.

land,

land, and re-eſtabliſh his authority in that powerful kingdom, he will undoubtedly retract all thoſe conceſſions, which, with ſo many circumſtances of violence and indignity, the Scots have extorted from him. Beſides a ſenſe of his own intereſt, and a regard to royal power, which has been entirely annihilated in this country; his very paſſion for prelacy and for religious ceremonies, muſt lead him to invade a church which he has ever been taught to regard as antichriſtian and unlawful. Let us but conſider who the perſons are that compoſe the factions now ſo furiouſly engaged in arms. Does not the parliament conſiſt of thoſe very men who have ever oppoſed all war with Scotland, who have puniſhed the authors of our oppreſſions, who have obtained us the redreſs of every grievance, and who, with many honourable expreſſions, have conferred on us an ample reward for our brotherly aſſiſtance? And is not the court full of papiſts, prelates, malignants; all of them zealous enemies to our religious model, and reſolute to ſacrifice their lives for their idolatrous eſtabliſhments? Not to mention our own neceſſary ſecurity; can we better expreſs our gratitude to heaven for that pure light with which we are, above all nations, ſo eminently diſtinguiſhed, than by conveying the ſame divine knowledge to our unhappy neighbours, who are wading through a ſea of blood in order to attain it? Theſe were, in Scotland, the topics of every converſation: With theſe doctrines the pulpits echoed: And the famous curſe of Meroz, that curſe ſo ſolemnly denounced and reiterated againſt neutrality and moderation, reſounded from all quarters [z].

CHAP. LVI. 1643.

THE parliament of England had ever invited the Scots, from the commencement of the civil diſſentions, to inter-

[z] Curſe ye Meroz, ſaid the angel of the Lord; curſe ye bitterly the inhabitants thereof: Becauſe they came not to the help of the Lord, to the help of the Lord againſt the mighty. Judges, chap. v. ver. 23.

poſe

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poſe their mediation, which, they knew, would be ſo little favourable to the king: And the king, for that very reaſon, had ever endeavoured, with the leaſt offenſive expreſſions, to decline it[t]. Early this ſpring, the earl of Loudon, the chancellor, with other commiſſioners, and attended by Henderſon, a popular and intriguing preacher, was ſent to the king at Oxford, and renewed the offer of mediation; but with the ſame ſucceſs as before. The commiſſioners were alſo empowered to preſs the king on the article of religion, and to recommend to him the Scottiſh model of eccleſiaſtic worſhip and diſcipline. This was touching Charles in a very tender point: His honour, his conſcience, as well as his intereſt, he believed to be intimately concerned in ſupporting prelacy and the liturgy[u]. He begged the commiſſioners, therefore, to remain ſatisfied with the conceſſions which he had made to Scotland; and, having modelled their own church according to their own principles, to leave their neighbours in the like liberty, and not to intermeddle with affairs, of which they could not be ſuppoſed competent judges[w].

THE divines of Oxford, ſecure, as they imagined, of a victory, by means of their authorities from church-hiſtory, their quotations from the fathers, and their ſpiritual arguments, deſired a conference with Henderſon, and undertook, by dint of reaſoning, to convert that great apoſtle of the north: But Henderſon, who had ever regarded, as impious, the leaſt doubt with regard to his own principles, and who knew of a much better way to reduce opponents than by employing any theological topics, abſolutely refuſed all diſputation or controverſy. The Engliſh divines went away full of admiration at the blind aſſurance and bigoted prejudices of the man; He,

[t] Ruſh. vol. vi. p. 398.
[u] See note [HH] at the end of the volume.
[w] Ruſh. vol. vi. p. 462.

on

on his part, was moved with equal wonder at their obſtinate attachment to ſuch palpable errors and deluſions. CHAP. LVI. 1643.

By the conceſſions which the king had granted to Scotland, it became neceſſary for him to ſummon a parliament once in three years; and in June of the ſubſequent year, was fixed the period for the meeting of that aſſembly. Before that time elapſed, Charles flattered himſelf that he ſhould be able, by ſome deciſive advantage, to reduce the Engliſh parliament to a reaſonable ſubmiſſion, and might then expect, with ſecurity, the meeting of a Scottiſh parliament. Though earneſtly ſolicited by Loudon to ſummon preſently that great council of the nation, he abſolutely refuſed to give authority to men who had already excited ſuch dangerous commotions, and who ſhowed ſtill the ſame diſpoſition to reſiſt and invade his authority. The commiſſioners, therefore, not being able to prevail in any of their demands, deſired the king's paſſport for London, where they purpoſed to confer with the Engliſh parliament[x]; and being likewiſe denied this requeſt, they returned with extreme diſſatisfaction to Edinburgh.

The office of conſervators of the peace was newly erected in Scotland, in order to maintain the confederacy between the two kingdoms; and theſe, inſtigated by the clergy, were reſolved, ſince they could not obtain the king's conſent, to ſummon, in his name, but by their own authority, a convention of ſtates; and to bereave their ſovereign of this article, the only one which remained of his prerogative. Under colour of providing for national peace, endangered by the neighbourhood of Engliſh armies, was a convention called[y]; an aſſembly, which, though it meets with leſs ſolemnity, has the ſame authority as a parliament, in raiſing money

[x] Ruſh. vol. vi. p. 406. [y] 22d of June.

and

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and levying forces. Hamilton, and his brother the earl of Laneric, who had been ſent into Scotland in order to oppoſe theſe meaſures, wanted either authority or ſincerity; and paſſively yielded to the torrent. The general aſſembly of the church met at the ſame time with the convention; and, exerciſing an authority almoſt abſolute over the whole civil power, made every political conſideration yield to their theological zeal and prejudices.

THE Engliſh parliament was, at that time, fallen into great diſtreſs, by the progreſs of the royal arms; and they gladly ſent to Edinburgh commiſſioners, with ample powers to treat of a nearer union and confederacy with the Scottiſh nation. The perſons employed were the earl of Rutland, Sir William Armyne, Sir Henry Vane the younger, Thomas Hatcher, and Henry Darley, attended by Marſhal and Nye, two clergymen of ſignal authority [z]. In this negociation, the man chiefly truſted was Vane, who, in eloquence, addreſs, capacity, as well as in art and diſſimulation, was not ſurpaſſed by any one, even during that age, ſo famous for active talents.

Solemn league and covenant.

By his perſuaſion was framed at Edinburgh, that SOLEMN LEAGUE AND COVENANT, which effaced all former proteſtations and vows taken in both kingdoms; and long maintained its credit and authority. In this covenant, the ſubſcribers, beſides engaging mutually to defend each other againſt all opponents, bound themſelves to endeavour, without reſpect of perſons, the extirpation of popery and prelacy, ſuperſtition, hereſy, ſchiſm, and profaneneſs; to maintain the rights and privileges of parliaments, together with the king's authority; and to diſcover and bring to juſtice all incendiaries and malignants [a].

[z] Whitlocke, p. 73. Ruſh. vol. vi. p. 466. Clarendon, vol. iii. p. 300.
[a] Ruſh. vol. vi. p. 478. Clarendon, vol. iii. p. 373.

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THE ſubſcribers of the covenant vowed alſo to preſerve the reformed religion eſtabliſhed in the church of Scotland; but, by the artifice of Vane, no declaration more explicit was made with regard to England and Ireland, than that theſe kingdoms ſhould be reformed, according to the word of God, and the example of the pureſt churches. The Scottiſh zealots, when prelacy was abjured, deemed this expreſſion quite free from ambiguity, and regarded their own model as the only one which correſponded, in any degree, to ſuch a deſcription: But that able politician had other views; and while he employed his great talents in over-reaching the preſbyterians, and ſecretly laughed at their ſimplicity, he had blindly devoted himſelf to the maintenance of ſyſtems ſtill more abſurd and more dangerous.

IN the Engliſh parliament there remained ſome members, who, though they had been induced, either by private ambition, or by zeal for civil liberty, to concur with the majority, ſtill retained an attachment to the hierarchy, and to the ancient modes of worſhip. But, in the preſent danger which threatened their cauſe, all ſcruples were laid aſide; and the covenant, by whoſe means alone they could expect to obtain ſo conſiderable a reinforcement as the acceſſion of the Scottiſh nation, was received without oppoſition. The parliament, therefore, having firſt ſubſcribed it themſelves, ordered it to be received by all who lived under their authority. Sept. 17.

GREAT were the rejoicings among the Scots, that they ſhould be the happy inſtruments of extending their mode of religion, and diſſipating that profound darkneſs in which the neighbouring nations were involved. The general aſſembly applauded this glorious imitation of the piety diſplayed by their anceſtors, who, they ſaid, in three different applications, during the reign of Elizabeth, had endeavoured to engage the Engliſh, by perſuaſion,

to

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1643. to lay aſide the uſe of the ſurplice, tippet, and corner-cap [b]. The convention too, in the height of their zeal, ordered every one to ſwear to this covenant, under the penalty of confiſcation; beſide what farther puniſhment it ſhould pleaſe the enſuing parliament to inflict on the refuſers, as enemies to God, to the king, and to the kingdom. And being determined that the ſword ſhould carry conviction to all refractory minds, they prepared themſelves, with great vigilance and activity, for their military enterprizes. By means of a hundred thouſand pounds, which they received from England; by the hopes of good pay and warm quarters; not to mention men's favourable diſpoſition towards the cauſe; they ſoon completed their levies. And, having added, to their other forces, the troops which they had recalled from Ireland, they were ready, about the end of the year, to enter England, under the command of their old general, the earl of Leven, with an army of above twenty thouſand men [c].

Arming of the Scots.

THE king, foreſeeing this tempeſt which was gathering upon him, endeavoured to ſecure himſelf by every expedient; and he caſt his eye towards Ireland, in hopes that this kingdom, from which his cauſe had already received ſo much prejudice, might at length contribute ſomewhat towards his protection and ſecurity.

State of Ireland.

AFTER the commencement of the Iriſh inſurrection, the Engliſh parliament, though they undertook the ſuppreſſion of it, had ever been too much engaged, either in military projects, or expeditions at home, to take any effectual ſtep towards finiſhing that enterprize. They had entered, indeed, into a contract with the Scots, for ſending over an army of ten thouſand men into Ireland; and, in order to engage that nation in this undertaking, beſide giving a promiſe of pay, they agreed to put Caric-

[b] Ruſhworth, vol. vi. p. 388. [c] Clarendon, vol. iii. p. 383.

fergus

fergus into their hands, and to inveſt their general with an authority quite independent of the Engliſh government. Theſe troops, ſo long as they were allowed to remain, were uſeful, by diverting the force of the Iriſh rebels, and protecting in the north the ſmall remnants of the Britiſh planters. But, except this contract with the Scottiſh nation, all the other meaſures of the parliament either were hitherto abſolutely inſignificant, or tended rather to the prejudice of the proteſtant cauſe in Ireland. By continuing their violent perſecution, and ſtill more violent menaces againſt prieſts and papiſts, they confirmed the Iriſh catholics in their rebellion, and cut off all hopes of indulgence and toleration. By diſpoſing beforehand of all the Iriſh forfeitures to ſubſcribers or adventurers, they rendered all men of property deſperate, and ſeemed to threaten a total extirpation of the natives [d]. And while they thus infuſed zeal and animoſity into the enemy, no meaſure was purſued which could tend to ſupport or encourage the proteſtants, now reduced to the laſt extremities.

CHAP. LVI. 1643.

So great is the aſcendant which, from a long courſe of ſucceſſes, the Engliſh has acquired over the Iriſh nation, that though the latter, when they receive military diſcipline among foreigners, are not ſurpaſſed by any troops, they had never, in their own country, been able to make any vigorous effort for the defence or recovery of their liberties. In many rencounters, the Engliſh, under lord More, Sir William St. Leger, Sir Frederic Hamilton, and others, had, though under great diſadvantages of ſituation and numbers, put the Iriſh to rout, and returned in triumph to Dublin. The rebels raiſed the ſiege of Tredah, after an obſtinate defence made by the garri-

[d] A thouſand acres in Ulſter were given to every one that ſubſcribed 200 pounds, in Connaught to the ſubſcribers of 350, in Munſter for 450, in Leinſter for 600.

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ſon[e]. Ormond had obtained two complete victories at Kilruſh and Roſs; and had brought relief to all the forts, which were beſieged or blockaded in different parts of the kingdom[f]. But notwithſtanding theſe ſucceſſes, even the moſt common neceſſaries of life were wanting to the victorious armies. The Iriſh, in their wild rage againſt the Britiſh planters, had laid waſte the whole kingdom, and were themſelves totally unfit, from their habitual ſloth and ignorance, to raiſe any convenience of human life. During the courſe of ſix months no ſupplies had come from England, except the fourth part of one ſmall veſſel's lading. Dublin, to ſave itſelf from ſtarving, had been obliged to ſend the greater part of its inhabitants to England. The army had little ammunition, ſcarcely exceeding forty barrels of gun-powder; not even ſhoes or cloaths; and for want of food the ſoldiers had been obliged to eat their own horſes. And though the diſtreſs of the Iriſh was not much inferior[g]; beſides that they were more hardened againſt ſuch extremities, it was but a melancholy reflection, that the two nations, while they continued their furious animoſities, ſhould make deſolate that fertile iſland, which might ſerve to the ſubſiſtence and happineſs of both.

THE juſtices and council of Ireland had been engaged chiefly by the intereſt and authority of Ormond, to fall into an entire dependence on the king. Parſons, Temple, Loſtus, and Meredith, who favoured the oppoſite party, had been removed; and Charles had ſupplied their place by others, better affected to his ſervice. A committee of the Engliſh houſe of commons, which had been ſent over to Ireland, in order to conduct the affairs of that kingdom, had been excluded the council, in obedience to orders tranſmitted from the king[h].

[e] Ruſhworth, vol. vi. p. 506. [f] Idem, ibid. p. 512. [g] Idem, ibid. p. 555. [h] Idem, ibid. p. 530. Clarendon, vol. iii. p. 167.

And

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And theſe were reaſons ſufficient, beſides the great difficulties, under which they themſelves laboured, why the parliament was unwilling to ſend ſupplies to an army, which, though engaged in a cauſe much favoured by them, was commanded by their declared enemies. They even intercepted ſome ſmall ſuccours ſent thither by the king.

THE king, as he had neither money, arms, ammunition, nor proviſions to ſpare from his own urgent wants, reſolved to embrace an expedient, which might at once relieve the neceſſities of the Iriſh proteſtants, and contribute to the advancement of his affairs in England. A truce with the rebels, he thought, would enable his ſubjects in Ireland to provide for their own ſupport, and would procure him the aſſiſtance of the army againſt the Engliſh parliament. But as a treaty with a people, ſo odious for their barbarities, and ſtill more for their religion, might be repreſented in invidious colours, and renew all thoſe calumnies with which he had been loaded; it was neceſſary to proceed with great caution in conducting that meaſure. A remonſtrance from the army was made to the Iriſh council, repreſenting their intolerable neceſſities, and craving permiſſion to leave the kingdom: And if that were refuſed, *We muſt have recourſe*, they ſaid, *to that firſt and primary law, with which God has endowed all men; we mean the law of nature, which teaches every creature to preſerve itſelf*[1]. Memorials both to the king and parliament were tranſmitted by the juſtices and council, in which their wants and dangers are ſtrongly ſet forth[k]; and though the general expreſſions in theſe memorials might perhaps be ſuſpected of exaggeration, yet from the particular facts mentioned, from the confeſſion of the Engliſh parliament

[1] Ruſhworth, vol. vi. p. 537. [k] Idem, ibid. p. 538.

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itſelf[l]; and from the very nature of things, it is apparent that the Iriſh proteſtants were reduced to great extremities[m]; and it became prudent in the king, if not abſolutely neceſſary, to embrace ſome expedient, which might ſecure them, for a time, from the ruin and miſery with which they were threatened.

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ACCORDINGLY, the king gave orders[n] to Ormond and the juſtices to conclude, for a year, a ceſſation of arms with the council of Kilkenny, by whom the Iriſh were governed, and to leave both ſides in poſſeſſion of their preſent advantages. The parliament, whoſe buſineſs it was to find fault with every meaſure adopted by the oppoſite party, and who would not loſe ſo fair an opportunity of reproaching the king with his favour to the Iriſh papiſts, exclaimed loudly againſt this ceſſation. Among other reaſons, they inſiſted upon the divine vengeance, which England might juſtly dread for tolerating antichriſtian idolatry, on pretence of civil contracts and political agreements[o]. Religion, though every day employed as the engine of their own ambitious purpoſes, was ſuppoſed too ſacred to be yielded up to the temporal intereſts or ſafety of kingdoms.

AFTER the ceſſation, there was little neceſſity, as well as no means of ſubſiſting the army in Ireland. The king ordered Ormond, who was entirely devoted to him, to ſend over conſiderable bodies of it to England. Moſt of them continued in his ſervice: But a ſmall part having imbibed in Ireland a ſtrong animoſity againſt the catholics, and hearing the king's party univer-

[l] Ruſh. vol vi. p. 540. [m] See farther Carte's Ormond, vol. iii. No. 113. 117, 128, 129. 134. 136. 141. 144. 149 158, 159. All theſe papers put it paſt doubt, that the neceſſities of the Engliſh army in Ireland were extreme. See farther, Ruſh. vol vi p. 537. and Dugdale, p. 853, 854. [n] 7th September. See Ruſh. vol. vi. p. 537. 544. 547.

[o] Idem, ibid. p. 557.

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ſally reproached with popery, ſoon after deſerted to the parliament.

Some Iriſh catholics came over with theſe troops, and joined the royal army, where they continued the ſame cruelties and diſorders, to which they had been accuſtomed[p]. The parliament voted, that no quarter, in any action, ſhould ever be given them: But prince Rupert, by making ſome reprizals, ſoon repreſſed this inhumanity[q].

[p] Whitlocke, p. 78. 103. [q] Ruſh. vol. vi. p. 680. 783.

NOTES

TO THE

SIXTH VOLUME.

NOTE [A], p. 19.

SIR Charles Cornwallis the king's ambaſſador at Madrid, when preſſed by the duke of Lerma to enter into a league with Spain, ſaid to that miniſter; *though his majeſty was an* abſolute *king, and therefore not bound to give an account to any of his actions; yet that ſo gracious and regardful a prince he was of the love and contentment of his own ſubjects, as I aſſured myſelf he would not think it fit to do any thing of ſo great conſequence without acquainting them with his intentions.* Winwood, vol. ii. p. 222. Sir Walter Raleigh has this paſſage in the preface to his hiſtory of the world. *Philip* II. *by ſtrong hand and main force, attempted to make himſelf not only an* abſolute monarch *over the Netherlands, like unto the kings and monarchs of England and France, but Turk like, to tread under his feet all their natural and fundamental laws, privileges, and ancient rights.* We meet with this paſſage in Sir John Davis's queſtion concerning impoſitions, p. 161. "Thus we ſee by this compariſon, that the "king of England doth lay but his little finger upon his ſub- "jects, when other princes and ſtates do lay their heavy loins "upon their people: What is the reaſon of this difference? "From whence cometh it? aſſuredly not from a different "power or prerogative: For the king of England is as abſo- "lute a monarch as any emperor or king in the world, and "hath as many prerogatives, incident to his crown." Coke, in Cawdry's caſe, ſays, "That by the ancient laws of this realm, England is an *abſolute* empire and monarchy; and "that the king is furniſhed with plenary and entire power, "prerogative, and juriſdiction, and is ſupreme governor over

" all perſons within this realm." Spencer, ſpeaking of ſome grants of the Engliſh kings to the Iriſh corporations, ſays, " All which, though at the time of their firſt grant they were " tolerable, and perhaps reaſonable, yet now are moſt unrea- " ſonable and inconvenient. But all theſe will eaſily be cut " off, with the ſuperior power of her majeſty's prerogative, " againſt which her own grants are not to be pleaded or en- " forced." State of Ireland, p. 1537. edit. 1706. The ſame author in p. 1660, propoſes a plan for the civilization of Ireland; that the queen ſhould create a provoſt marſhal in every county, who might ride about with eight or ten followers in ſearch of ſtragglers and vagabonds: The firſt time he catches any, he may puniſh them more lightly, by the ſtocks; the ſecond time, by whipping; but the third time, he may hang them, without trial or proceſs, on the firſt bough: And he thinks, that this authority may more ſafely be entruſted to the provoſt marſhal than to the ſheriff: Becauſe the latter magiſtrate, having a profit by the eſcheats of felons, may be tempted to hang innocent perſons. Here a real abſolute, or rather deſpotic power is pointed out; and we may infer from all theſe paſſages, either that the word *abſolute* bore a different ſenſe from what it does at preſent, or that men's ideas of the Engliſh, as well as Iriſh government, were then different. This latter inference ſeems juſter. The word, being derived from the French, bore always the ſame ſenſe as in that language. An abſolute monarchy in Charles I.'s anſwer to the nineteen propoſitions is oppoſed to a limited; and the king of England is acknowledged not to be abſolute: So much had matters changed even before the civil war. In Sir John Forteſcue's treatiſe of abſolute and limited monarchy, a book written in the reign of Edward the IVth, the word *abſolute* is taken in the ſame ſenſe as at preſent; and the government of England is alſo ſaid not to be abſolute. They were the princes of the houſe of Tudor chiefly, who introduced that adminiſtration, which had the appearance of abſolute government. The princes before them were reſtrained by the barons; as thoſe after them by the houſe of commons. The people had, properly ſpeaking, little liberty in either of theſe ancient governments, but leaſt, in the more ancient.

NOTE [B], p. 20.

EVEN this parliament, which ſhewed ſo much ſpirit and good-ſenſe in the affair of Goodwin, made a ſtrange conceſſion to the crown, in their fourth ſeſſion. Toby Mathews, a member, had been baniſhed by order of the council upon direction from his majeſty. The parliament not only acquieſced in this arbitrary proceeding, but iſſued writs for a new election. Such novices were they, as yet, in the principles of Liberty! See Journ. 14 Feb. 1609. Mathews was baniſhed by the king, on account of his change of religion to popery. The king had an indulgence to thoſe who had been educated catholics; but could not bear the new converts. It was probably the animoſity of the commons againſt the papiſts, which made them acquieſce in this precedent, without reflecting on the conſequences! The jealouſy of Liberty, though rouſed, was not yet thoroughly enlightened.

NOTE [C], p. 23.

AT that time, men of genius and of enlarged minds had adopted the principles of liberty, which were, as yet, pretty much unknown to the generality of the people. Sir Matthew Hales has publiſhed a remonſtrance againſt the king's conduct towards the parliament during this ſeſſion. The remonſtrance is drawn with great force of reaſoning and ſpirit of liberty; and was the production of Sir Francis Bacon and Sir Edwin Sandys, two men of the greateſt parts and knowledge in England. It is drawn in the name of the commons; but as there is no hint of it in the journals, we muſt conclude, either that the authors, ſenſible that the ſtrain of the piece was much beyond the principles of the age, had not ventured to preſent it to the houſe, or that it had been, for that reaſon, rejected. The dignity and authority of the commons are ſtrongly inſiſted upon in this remonſtrance; and it is there ſaid, that their ſubmiſſion to the ill treatment, which they received during the latter part of Elizabeth's reign, had proceeded from their tenderneſs towards her age and her ſex. But the authors are miſtaken in theſe facts: For the houſe received and ſubmitted to as bad treatment in the beginning and

middle of that reign. The government was equally arbitrary in Mary's reign, in Edward's, in Harry the eighth and ſeventh's. And the farther we go back into hiſtory, though there might be more of a certain irregular kind of liberty among the barons, the commons were ſtill of leſs authority.

NOTE [D], p. 27.

THIS parliament paſſed an act of recognition of the king's title in the moſt ample terms. They recognized and acknowledged, that immediately upon the diſſolution and deceaſe of Elizabeth, late queen of England, the imperial crown thereof did, by inherent birthright and lawful and undoubted ſucceſſion, deſcend and come to his moſt excellent majeſty, as being lineally, juſtly, and lawfully next and ſole heir of the blood royal of this realm. 1 James I. cap. 1. The puritans, though then prevalent, did not think proper to diſpute this great conſtitutional point. In the recognition of queen Elizabeth the parliament declares, that the queen's highneſs is, and in very deed and of moſt mere right ought to be, by the laws of God and by the laws and ſtatutes of this realm, our moſt lawful and rightful ſovereign, liege lady and queen, &c. It appears then, that if king James's *divine right* be not mentioned by parliament, the omiſſion came merely from chance, and becauſe that phraſe did not occur to the compiler of the recognition; his title being plainly the ſame with that of his predeceſſor, who was allowed to have a *divine* right.

NOTE [E], p. 36.

SOME hiſtorians have imagined, that the king had ſecret intelligence of the conſpiracy, and that the letter to Monteagle was written by his direction, in order to obtain the praiſe of penetration in diſcovering the plot. But the known facts refute this ſuppoſition. That letter, being commonly talked of, might naturally have given an alarm to the conſpirators, and made them contrive their eſcape. The viſit of the lord chamberlain ought to have had the ſame effect. In ſhort, it appears, that no body was arreſted or enquired after, for ſome days, till Fawkes diſcovered the names of the conſpirators.

conſpirators. We may infer, however, from a letter in Winwood's Memorials, vol. ii. p. 171. that Saliſbury's ſagacity led the king in his conjectures, and that the miniſter, like an artful courtier, gave his maſter the praiſe of the whole diſcovery.

NOTE [F], p. 52.

WE find the king's anſwer in Winwood's Memorials, vol. iii. p. 193. 2d. edit. "To the third and fourth "(namely, that it might be lawful to arreſt the king's ſervants without leave, and that no man ſhould be inforced to "lend money, nor to give a reaſon why he would not) his "majeſty ſent us an anſwer, that becauſe we brought precedents of antiquity to ſtrengthen thoſe demands, he allowed "not of any precedents drawn from the time of uſurping or "decaying princes, or people too bold and wanton; that he "deſired not to govern in that commonwealth, where ſubjects "ſhould be aſſured of all things, and hope for nothing. It "was one thing *ſubmittere principatum legibus*; and another "thing *ſubmittere principatum ſubditis*. That he would not "leave to poſterity ſuch a mark of weakneſs upon his reign; "and therefore his concluſion was, *non placet petitio, non "placet exemplum:* Yet with this mitigation, that in matters "of loans he would refuſe no reaſonable excuſe, nor ſhould "my lord chamberlain deny the arreſting of any of his ma"jeſty's ſervants, if juſt cauſe was ſhown." The parliament, however, acknowledged at this time with thankfulneſs to the king, that he allowed diſputes and inquiries about his prerogative, much beyond what had been indulged by any of his predeceſſors. *Parliament. Hiſt.* vol. v. p. 230. This very ſeſſions, he expreſsly gave them leave to produce all their grievances, without exception.

NOTE [G], p. 56.

IT may not be unworthy of obſervation, that James, in a book called *The true laws of free Monarchies*, which he publiſhed a little before his acceſſion to the crown of England, affirmed, "That a good king, although he be above the "law, will ſubject and frame his actions thereto, for example's "ſake to his ſubjects, and of his own free-will, but not "as ſubject or bound thereto." In another paſſage, "Ac-

"cording

" cording to the fundamental law already alleged, we daily " ſee, that in the parliament (which is nothing elſe but the " head-court of the king and his vaſſals) the laws are but " craved by his ſubjects, and only made by him at their ro- " gation, and with their advice. For albeit the king *make* " *daily* ſtatutes and ordinances, enjoining ſuch pains thereto " as he thinks meet, without any advice of parliament or " eſtates; yet it lies in the power of no parliament to make " any kind of law or ſtatute, without his ſceptre be to it, for " giving it the force of a law." *King James's Works*, p. 202. It is not to be ſuppoſed, that, at ſuch a critical juncture, James had ſo little ſenſe as, directly, in ſo material a point, to have openly ſhocked what were the univerſal eſtabliſhed principles of that age: On the contrary, we are told by hiſtorians, that nothing tended more to facilitate his acceſſion, than the good opinion entertained of him by the Engliſh, on account of his learned and judicious writings. The queſtion, however, with regard to the royal power was, at this time, become a very dangerous point; and without employing ambiguous, inſignificant terms, which determined nothing, it was impoſſible to pleaſe both king and parliament. Dr. Cowell, who had magnified the prerogative in words too intelligible, fell this ſeſſion under the indignation of the commons. *Parliament. Hiſt.* vol. v. p. 221. The king himſelf, after all his magnificent boaſts, was obliged to make his eſcape through a diſtinction, which he framed between a king *in abſtracto* and a king *in concreto*: An abſtract king, he ſaid, had all power; but a concrete king was bound to obſerve the laws of the country which he governed. *King James's Works*, p. 533. But, how bound: By conſcience only? Or might his ſubjects reſiſt him and defend their privileges? This he thought not fit to explain. And ſo difficult is it to explain that point, that, to this day, whatever liberties may be uſed by private enquirers, the laws have, very prudently, thought proper to maintain a total ſilence with regard to it.

NOTE [H], p. 73.

PARL. HIST. vol. 5. p. 290. So little fixed at this time were the rules of parliament, that the commons complained to the peers of a ſpeech made in the upper houſe by

by the biſhop of Lincoln; which it belonged only to that houſe to cenſure, and which the other could not regularly be ſuppoſed to be acquainted with. Theſe at leaſt are the rules eſtabliſhed ſince the parliament became a real ſeat of power, and ſcene of buſineſs. Neither the king muſt take notice of what paſſes in either houſe, nor either houſe of what paſſes in the other, till regularly informed of it. The commons, in their famous proteſtation 1621, fixed this rule with regard to the king, though at preſent they would not bind themſelves by it. But as liberty was yet new, thoſe maxims, which guard and regulate it, were unknown and unpractiſed.

NOTE [I], p. 98.

SOME of the facts in this narrative, which ſeem to condemn Raleigh, are taken from the king's declaration, which being publiſhed by authority, when the facts were recent, being extracted from examinations before the privy council, and ſubſcribed by ſix privy counſellors, among whom was Abbot archbiſhop of Canterbury, a prelate nowiſe complaiſant to the court, muſt be allowed to have great weight, or rather to be of undoubted credit. Yet the moſt material facts are confirmed either by the nature and reaſon of the thing, or by Sir Walter's own apology and his letters. The king's declaration is in the Harleyan miſcellany, Vol. 3. No. 2.

1. THERE ſeems to be an improbability, that the Spaniards, who knew nothing of Raleigh's pretended mine, ſhould have built a town in ſo wide a coaſt, within three miles of it. The chances are extremely againſt ſuch a ſuppoſition: And it is more natural to think, that the view of plundering the town led him thither, than that of working a mine. 2. No ſuch mine is there found to this day. 3. Raleigh in fact found no mine, and in fact he plundered and burned a Spaniſh town. Is it not more probable, therefore, that the latter was his intention? How can the ſecrets of his breaſt be rendered ſo viſible as to counterpoiſe certain facts? 4. He confeſſes, in his letter to lord Carew, that though he knew it, yet he concealed

concealed from the king the ſettlement of the Spaniards on that coaſt. Does not this fact alone render him ſufficiently criminal? 5. His commiſſion impowers him only to ſettle on a coaſt poſſeſſed by ſavage and barbarous inhabitants. Was it not the moſt evident breach of orders to diſembark on a coaſt poſſeſſed by Spaniards? 6. His orders to Keymis, when he ſent him up the river, are contained in his own apology, and from them it appears, that he knew (what was unavoidable) that the Spaniards would reſiſt, and would oppoſe the Engliſh landing and taking poſſeſſion of the country. His intentions, therefore, were hoſtile from the beginning. 7. Without provocation, and even when at a diſtance, he gave Keymis orders to diſlodge the Spaniards from their own town. Could any enterprize be more hoſtile? And conſidering the Spaniards as allies to the nation, could any enterprize be more criminal? Was he not the aggreſſor, even though it ſhould be true that the Spaniards fired upon his men at landing? It is ſaid, he killed three or four hundred of them. Is that ſo light a matter? 8. In his letter to the king, and in his apology, he grounds his defence on former hoſtilities exerciſed by the Spaniards againſt other companies of Engliſhmen. Theſe are accounted for by the ambiguity of the treaty between the nations. And it is plain, that though theſe might poſſibly be reaſons for the king's declaring war againſt that nation, they could never intitle Raleigh to declare war, and without any commiſſion, or contrary to his commiſſion, to invade the Spaniſh ſettlements. He pretends indeed that peace was never made with Spain in the Indies: A moſt abſurd notion! The chief hurt which the Spaniards could receive from England was in the Indies; and they never would have made peace at all, if hoſtilities had been ſtill to be continued on theſe ſettlements. By ſecret agreement, the Engliſh were ſtill allowed to ſupport the Dutch even after the treaty of peace. If they had alſo been allowed to invade the Spaniſh ſettlements, the treaty had been a full peace to England, while the Spaniards were ſtill expoſed to the full effects of war. 9. If the claim to the property of that country, as firſt diſcoverers, was good, in oppoſition to preſent ſettlement, as Raleigh pretends;

pretends; why was it not laid before the king with all its circumſtances, and ſubmitted to his judgment? 10. Raleigh's force is acknowledged by himſelf to have been inſufficient to ſupport him in the poſſeſſion of St. Thomas againſt the power of which Spain was maſter on that coaſt; yet it was ſufficient, as he owns, to take by ſurprize and plunder twenty towns. It was not therefore his deſign to ſettle, but to plunder. By theſe confeſſions, which I have here brought together, he plainly betrays himſelf. 11. Why did he not ſtay and work his mine, as at firſt he projected? He apprehended that the Spaniards would be npon him with a greater force. But before he left England, he knew that this muſt be the caſe, if he invaded any part of the Spaniſh colonies. His intention therefore never was to ſettle, but only to plunder. 12. He acknowledges that he knew neither the depth nor riches of the mine, but only that there was ſome ore there. Would he have ventured all his fortune and credit on ſo precarious a foundation? 13. Would the other adventurers, if made acquainted with this, have riſqued every thing to attend him? Ought a fleet to have been equipped for an experiment? Was there not plainly an impoſture in the management of this affair? 14. He ſays to Keymis, in his orders, Bring but a baſket-full of ore, and it will ſatisfy the king, that my project was not imaginary. This was eaſily done from the Spaniſh mines; and he ſeems to have been chiefly diſpleaſed at Keymis for not attempting it. Snch a view was a premeditated apology to cover his cheat. 15. The king in his declaration imputes it to Raleigh, that as ſoon as he was at ſea, he immediately fell into ſuch uncertain and doubtful talk of his mine, and ſaid, that it would be ſufficient if he brought home a baſket-full of ore. From the circumſtance laſt-mentioned, it appears that this imputation was not without reaſon. 16. There are many other circumſtances of great weight in the king's declaration; that Raleigh, when he fell down to Plymouth, took no pioneers with him, which he always declared to be his intention; that he was nowiſe provided with inſtrnments for working a mine, but had a ſufficient ſtock of warlike ſtores; that young Raleigh, in attacking the Spaniards, employed the words, which, in the narration,

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I have put in his mouth; that the mine was moveable, and ſhifted as he ſaw convenient: Not to mention many other public facts which prove him to have been highly criminal againſt his companions as well as his country. Howel in his letters ſays, that there lived in London, in 1645, an officer, a man of honour, who aſſerted, that he heard young Raleigh ſpeak theſe words, vol. ii. letter 63. That was a time when there was no intereſt in maintaining ſuch a fact. 17. Raleigh's account of his firſt voyage to Guiana proves him to have been a man capable of the moſt extravagant credulity or moſt impudent impoſture. So ridiculous are the ſtories which he tells of the Inca's chimerical empire in the midſt of Guiana; the rich city of El Dorado, or Manao, two days journey in length, and ſhining with gold and ſilver; the old Peruvian prophecies in favour of the Engliſh, who, he ſays, were expreſsly named as the deliverers of that country, long before any European had ever touched there; the Amazons or republic of women; and in general, the vaſt and incredible riches which he ſaw on that continent, where nobody has yet found any treaſures. This whole narrative is a proof that he was extremely defective either in ſolid underſtanding, or morals, or both. No man's character indeed ſeems ever to have been carried to ſuch extremes as Raleigh's, by the oppoſite paſſions of envy and pity. In the former part of his life, when he was active and lived in the world, and was probably beſt known, he was the object of univerſal hatred and deteſtation throughout England; in the latter part, when ſhut up in priſon, he became, much more unreaſonably, the object of great love and admiration.

As to the circumſtances of the narrative, that Raleigh's pardon was refuſed him, that his former ſentence was purpoſely kept in force againſt him, and that he went out under theſe expreſs conditions, they may be ſupported by the following authorities. 1. The king's word and that of ſix privy counſellors, who affirm it for fact. 2. The nature of the thing. If no ſuſpicion had been entertained of his intentions, a pardon would never have been refuſed to a man, to whom authority was entruſted. 3. The words of the commiſſion itſelf, where he is ſimply ſtiled Sir Walter Raleigh,

and not *faithful and well beloved*, according to the uſual and never-failing ſtile on ſuch occaſions. 4. In all the letters which he wrote home to Sir Ralph Winwood and to his own wife, he always conſiders himſelf as a perſon unpardoned and liable to the law. He ſeems indeed, immediately upon the failure of his enterprize, to have become deſperate, and to have expected the fate which he met with.

It is pretended, that the king gave intelligence to the Spaniards of Raleigh's project; as if he had needed to lay a plot for deſtroying a man, whoſe life had been fourteen years, and ſtill was, in his power. The Spaniards wanted no other intelligence to be on their guard, than the known and public fact of Raleigh's armament. And there was no reaſon why the king ſhould conceal from them the project of a ſettlement, which Raleigh pretended, and the king believed, to be entirely innocent.

The king's chief blame ſeems to have lain in his negligence, in allowing Raleigh to depart without a more exact ſcrutiny: But for this he apologizes, by ſaying, that ſureties were required for the good behaviour of Raleigh and all his aſſociates in the enterprize, but that they gave in bonds for each other: A cheat which was not perceived till they had failed, and which encreaſed the ſuſpicion of bad intentions.

Perhaps the king ought alſo to have granted Raleigh a pardon for his old treaſon, and to have tried him anew for his new offences. His puniſhment in that caſe would not only have been juſt, but conducted in a juſt and unexceptionable manner. But we are told that a ridiculous opinion at that time prevailed in the nation (and it is plainly ſuppoſed by Sir Walter in his apology), that, by treaty, war was allowed with the Spaniards in the Indies, though peace was made in Europe: And while that notion took place, no jury would have found Raleigh guilty. So that had not the king puniſhed him upon the old ſentence, the Spaniards would have had a juſt cauſe of complaint againſt the king, ſufficient to have produced a war, at leaſt to have deſtroyed all cordiality between the nations.

This

THIS explication I thought neceſſary, in order to clear up the ſtory of Raleigh; which, though very obvious, is generally miſtaken in ſo groſs a manner, that I ſcarcely know its parallel in the Engliſh hiſtory.

NOTE [K], p. 106.

THIS parliament is remarkable for being the epoch, in which were firſt regularly formed, though without acquiring theſe denominations, the parties of court and country; parties, which have ever ſince continued, and which, while they oft threaten the total diſſolution of the government, are the real cauſes of its permanent life and vigour. In the ancient feudal conſtitution, of which the Engliſh partook with other European nations, there was a mixture, not of authority and liberty, which we have ſince enjoyed in this iſland, and which now ſubſiſt uniformly together; but of authority and anarchy, which perpetually ſhocked with each other, and which took place alternately, according as circumſtances were more or leſs favourable to either of them. A parliament compoſed of barbarians, ſummoned from their fields and foreſts, uninſtructed by ſtudy, converſation, or travel; ignorant of their own laws and hiſtory, and unacquainted with the ſituation of all foreign nations; a parliament called precariouſly by the king, and diſſolved at his pleaſure; ſitting a few days, debating a few points prepared for them, and whoſe members were impatient to return to their own caſtles, where alone they were great, and to the chace, which was their favourite amuſement: Such a parliament was very little fitted to enter into a diſcuſſion of all the queſtions of government, and to ſhare, in a regular manner, the legal adminiſtration. The name, the authority of the king alone appeared in the common courſe of government; in extraordinary emergencies, he aſſumed, with ſtill better reaſon, the ſole direction; the imperfect and unformed laws left, in every thing, a latitude of interpretation; and when the ends, purſued by the monarch, were, in general, agreeable to his ſubjects, little ſcruple or jealouſy was entertained with regard to the regularity of the means. During the reign of an able, fortunate,

fortunate, or popular prince, no member of either houſe, much leſs of the lower, durſt think of entering into a formed party, in oppoſition to the court; ſince the diſſolution of the parliament muſt, in a few days, leave him unprotected, to the vengeance of his ſovereign, and to thoſe ſtretches of prerogative, which were then ſo eaſily made, in order to puniſh an obnoxious ſubject. During an unpopular and weak reign, the current commonly ran ſo ſtrong againſt the monarch, that none durſt inliſt themſelves in the court party; or if the prince was able to engage any conſiderable barons on his ſide, the queſtion was decided with arms in the field, not by debates or arguments in a ſenate or aſſembly. And upon the whole, the chief circumſtance, which, during ancient times, retained the prince in any legal form of adminiſtration, was, that the ſword, by the nature of the feudal tenures, remained ſtill in the hands of his ſubjects; and this irregular and dangerous check had much more influence than the regular and methodical limits of the laws and conſtitution. As the nation could not be compelled, it was neceſſary that every public meaſure of conſequence, particularly that of levying new taxes, ſhould ſeem to be adopted by common conſent and approbation.

The princes of the houſe of Tudor, partly by the vigour of their adminiſtration, partly by the concurrence of favourable circumſtances, had been able to eſtabliſh a more regular ſyſtem of government; but they drew the conſtitution ſo near to deſpotiſm, as diminiſhed extremely the authority of the parliament. That ſenate became, in a great degree, the organ of royal will and pleaſure: Oppoſition would have been regarded as a ſpecies of rebellion: And even religion, the moſt dangerous article in which innovations could be introduced, had admitted, in the courſe of a few years, four ſeveral alterations, from the authority alone of the ſovereign. The parliament was not then the road to honour and preferment: The talents of popular intrigue and eloquence were uncultivated and unknown: And though that aſſembly ſtill preſerved authority, and retained the privilege of making laws and beſtowing public money, the members acquired not, upon that account, either with prince or people, much more

weight and conſideration. What powers were neceſſary for conducting the machine of government, the king was accuſtomed, of himſelf, to aſſume. His own revenues ſupplied him with money ſufficient for his ordinary expences. And when extraordinary emergencies occurred, the prince needed not to ſolicit votes in parliament, either for making laws or impoſing taxes, both of which were now become requiſite for public intereſt and preſervation.

The ſecurity of individuals, ſo neceſſary to the liberty of popular councils, was totally unknown in that age. And as no deſpotic princes, ſcarcely even the eaſtern tyrants, rule entirely without the concurrence of ſome aſſemblies, which ſupply both advice and authority; little, but a mercenary force, ſeems then to have been wanting towards the eſtabliſhment of a ſimple monarchy in England. The militia, though more favourable to regal authority, than the feudal inſtitutions, was much inferior, in this reſpect, to diſciplined armies; and if it did not preſerve liberty to the people, it preſerved, at leaſt, the power, if ever the inclination ſhould ariſe, of recovering it.

But ſo low, at that time, ran the inclination towards liberty, that Elizabeth, the laſt of that arbitrary line, herſelf no leſs arbitrary, was yet the moſt renowned and moſt popular of all the ſovereigns that had filled the throne of England. It was natural for James to take the government as he found it, and to purſue her meaſures, which he heard ſo much applauded; nor did his penetration extend ſo far as to diſcover, that neither his circumſtances nor his character could ſupport ſo extenſive an authority. His narrow revenues and little frugality began now to render him dependent on his people, even in the ordinary courſe of adminiſtration: Their encreaſing knowledge diſcovered to them that advantage, which they had obtained; and made them ſenſible of the ineſtimable value of civil liberty. And as he poſſeſſed too little dignity to command reſpect, and too much good-nature to impreſs fear, a new ſpirit diſcovered itſelf every day in the parliament; and a party, watchful of a free conſtitution, was regularly formed in the houſe of commons.

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But notwithſtanding theſe advantages acquired to liberty, ſo extenſive was royal authority, and ſo firmly eſtabliſhed in all its parts, that it is probable the patriots of that age would have deſpaired of ever reſiſting it, had they not been ſtimulated by religious motives, which inſpire a courage unſurmountable by any human obſtacle.

The ſame alliance, which has ever prevailed between kingly power and eccleſiaſtical authority, was now fully eſtabliſhed in England; and while the prince aſſiſted the clergy in ſuppreſſing ſchiſmatics and innovators, the clergy, in return, inculcated the doctrine of an unreſerved ſubmiſſion and obedience to the civil magiſtrate. The genius of the church of England, ſo kindly to monarchy, forwarded the confederacy; its ſubmiſſion to epiſcopal juriſdiction; its attachment to ceremonies, to order, and to a decent pomp and ſplendor of worſhip; and in a word, its affinity to the tame ſuperſtition of the catholics, rather than to the wild fanaticiſm of the puritans.

On the other hand, oppoſition to the church, and the perſecutions under which they laboured, were ſufficient to throw the puritans into the country party, and to beget political principles little favourable to the high pretenſions of the ſovereign. The ſpirit too of enthuſiaſm; bold, daring, and uncontrouled; ſtrongly diſpoſed their minds to adopt republican tenets; and inclined them to arrogate, in their actions and conduct, the ſame liberty which they aſſumed in their rapturous flights and ecſtaſies. Ever ſince the firſt origin of that ſect, through the whole reign of Elizabeth as well as of James, *puritanical* principles had been underſtood in a double ſenſe, and expreſſed the opinions favourable both to political and to eccleſiaſtical liberty. And as the court, in order to diſcredit all parliamentary oppoſition, affixed the denomination of puritans to its antagoniſts; the religious puritans willingly adopted this idea, which was ſo advantageous to them, and which confounded their cauſe with that of the patriots or country party. Thus were the civil and eccleſiaſtical factions regularly formed; and the humour of the nation, during that age, running ſtrongly towards fanatical extravagancies, the ſpirit of civil liberty gradually revived from its lethargy, and

by means of its religious aſſociate, from which it reaped more advantage than honour, it ſecretly enlarged its dominion over the greater part of the kingdom.

This Note was in the firſt editions a part of the text; but the author omitted it, in order to avoid, as much as poſſible, the ſtyle of diſſertation in the body of his hiſtory. The paſſage, however, contains views ſo important, that he thought it might be admitted as a note.

NOTE [L], p. 116.

THIS proteſtation is ſo remarkable, that it may not be improper to give it in its own words. "The com-"mons now aſſembled in parliament, being juſtly occaſioned "thereunto, concerning ſundry liberties, franchiſes, and pri-"vileges, of parliament, amongſt others, here mentioned, do "make this proteſtation following: That the liberties, fran-"chiſes, and juriſdictions of parliament are the ancient and "undoubted birth-right and inheritance of the ſubjects of "England; and that the urgent and arduous affairs concern-"ing the king, ſtate, and defence of the realm and of the "church of England; and the maintenance and making of "laws, and redreſs of miſchiefs and grievances, which daily "happen within this realm, are proper ſubjects and matter of "counc l and debate in parliament; and that in the handling "and proceeding of thoſe buſineſſes, every member of the "houſe of parliament hath, and, of right, ought to have, "freedom of ſpeech to propound, treat, reaſon, and bring "to concluſion the ſame; and that the commons in parlia-"ment have like liberty and freedom to treat of theſe mat-"ters, in ſuch order as in their judgment ſhall ſeem fitteſt, "and that every member of the ſaid houſe hath like freedom "from all impeachment, impriſonment, and moleſtation "(other than by cenſure of the houſe itſelf) for or concerning "any ſpeaking, reaſoning, or declaring of any matter or "matters touching the parliament or parliament-buſineſs. "And that if any of the ſaid members be complained of and "queſtioned for any thing done or ſaid in parliament, the "ſame

" ſame is to be ſhown to the king by the advice and aſ-
" ſent of all the commons aſſembled in parliament, be-
" fore the king give credence to any private information." Franklyn, p. 65. Ruſhworth, vol. i. p. 53. Kennet, p. 747. Coke, p. 77.

NOTE [M], p. 141.

THE moment the prince embarked at St. Andero's, he ſaid, to thoſe about him, that it was folly in the Spaniards to uſe him ſo ill, and allow him to depart: A proof that the duke had made him believe they were inſincere in the affair of the marriage and the Palatinate: For, as to his reception, in other reſpects, it had been altogether unexceptionable. Beſides, had not the prince believed the Spaniards to be inſincere, he had no reaſon to quarrel with them, though Buckingham had. It appears, therefore, that Charles himſelf muſt have been deceived. The multiplied delays of the diſpenſation, though they aroſe from accident, afforded Buckingham a plauſible pretext for charging the Spaniards with inſincerity.

NOTE [N], p. 143.

AMONG other particulars, he mentions a ſum of 80,000 pounds borrowed from the king of Denmark. In a former ſpeech to the parliament, he told them, that he had expended 500,000 pounds in the cauſe of the Palatine, beſides the voluntary contribution given him by the people. See Franklyn, p. 50. But what is more extraordinary, the treaſurer, in order to ſhow his own good ſervices, boaſts to the parliament, that by his contrivance, 60,000 pounds had been ſaved in the article of exchange in the ſums remitted to the Palatine. This ſeems a great ſum, nor is it eaſy to conceive whence the king could procure ſuch vaſt ſums as would require a ſum ſo conſiderable to be paid in exchange. From the whole, however, it appears, that the king had been far from

neglecting the intereſts of his daughter and ſon-in-law, and had even gone far beyond what his narrow revenne could afford.

NOTE [O], p. 144.

HOW little this principle had prevailed, during any former period of the Engliſh government, particularly during the laſt reign, which was certainly not ſo perfect a model of liberty as moſt writers would repreſent it, will eaſily appear from many paſſages in the hiſtory of that reign. But the ideas of men were much changed, during about twenty years of a gentle and peaceful adminiſtration. The commons, though James, of himſelf, had recalled all patents of monopolies, were not contented without a law againſt them and a declaratory law too; which was gaining a great point, and eſtabliſhing principles very favourable to liberty: But they were extremely grateful, when Elizabeth, upon petition (after having once refuſed their requeſts), recalled a few of the moſt oppreſſive patents; and employed ſome ſoothing expreſſions towards them.

THE parliament had ſurely reaſon, when they confeſſed, in the ſeventh of James, that he allowed them more freedom of debate, than ever was indulged by any of his predeceſſors. His indulgence in this particular, joined to his eaſy temper, was probably one cauſe of the great power aſſumed by the commons. Monſieur de la Boderie, in his diſpatches, vol. i. p. 449, mentions the liberty of ſpeech in the houſe of commons as a new practice.

NOTE [P], p. 150.

RYMER, tom. xviii. p. 224. 'Tis certain that the young prince of Wales, afterwards Charles II. had proteſtant governors from his early infancy; firſt the earl of Newcaſtle, then the Marquis of Hertford. The king, in his memorial to foreign churches after the commencement of the civil wars, inſiſts on his care in educating his children in the proteſtent religion, as a proof that he was no-wiſe inclined to the

the catholic. Rushworth, vol. v. p. 752. It can scarcely, therefore, be questioned, but this article, which has so odd an appearance, was inserted only to amuse the pope, and was never intended by either party to be executed.

NOTE [Q], p. 161.

"MONARCHIES," according to Sir Walter Raleigh, "are of two sorts touching their power or "authority, *viz.* 1. Entire, where the whole power of ordering all state matters, both in peace and war, doth, by "law and custom, appertain to the prince, as in the English "kingdom; where the prince hath the power to make laws, "league and war; to create magistrates; to pardon life; of "appeal, *&c.* Though, to give a contentment to the other "degrees, they have a suffrage in making laws, yet ever subject to the prince's pleasure and negative will.—2. Limited "or restrained, that hath no full power in all the points and "matters of state, as the military king that hath not the "sovereignty in time of peace, as the making of laws, *&c.* "But in war only, as the Polonian king. *Maxims of State.*"

And a little after, "In every just state, some part of the "government is, or ought to be, imparted to the people, as "in a kingdom, a voice and suffrage in making laws; and "sometimes also of levying of arms (if the charge be great, "and the prince forced to borrow help of his subjects) the "matter rightly may be propounded to a parliament, that "the tax may *seem* to have proceeded from themselves. So "consultations and some proceedings in judicial matters may, "in part, be referred to them. The reason, lest, seeing "themselves to be in no number nor of reckoning, they mislike the state or government." This way of reasoning differs little from that of king James, who considered the privileges of the parliament as matters of grace and indulgence, more than of inheritance. It is remarkable that Raleigh was thought to lean towards the puritanical party, notwithstanding these positions. But ideas of government change much in different times.

RALEIGH's sentiments on this head are still more openly expressed, in his *Prerogative of Parliaments*, a work not published

liſhed till after his death. It is a dialogue between a courtier or counſellor and a country juſtice of peace, who repreſents the patriot party, and defends the higheſt notions of liberty, which the principles of that age would bear. Here is a paſſage of it: "*Counſellor.* That which is done by the king, "with the advice of his private or privy council, is done by "the king's abſolute power. *Juſtice.* And by whoſe power "is it done in parliament but by the king's abſolute power? "Miſtake it not, my lord: The three eſtates do but adviſe as "the privy council doth; which advice, if the king embrace, "it becomes the king's own act in the one, and the king's "law in the other, *&c.*"

The earl of Clare, in a private letter to his ſon-in-law Sir Thomas Wentworth, afterwards earl of Strafford, thus expreſſes himſelf: "We live under a prerogative government, "where book law ſubmits to *lex loquens.*" He ſpoke from his own, and all his anceſtors' experience. There was no ſingle inſtance of power, which a king of England might not, at that time, exert, on pretence of neceſſity or expediency: The continuance alone or frequent repetition of arbitrary adminiſtration might prove dangerous, for want of force to ſupport it. It is remarkable that this letter of the earl of Clare was written in the firſt year of Charles's reign; and conſequently muſt be meant of the general genius of the government, not the ſpirit or temper of the monarch. See Strafford's letters, vol i. p. 32. From another letter in the ſame collection, vol. i. p. 10. it appears that the council ſometimes aſſumed the power of forbidding perſons diſagreeable to the court, to ſtand in the elections. This authority they could exert in ſome inſtances; but we are not thence to infer, that they could ſhut the door of that houſe to every one who was not acceptable to them. The genius of the ancient government repoſed more truſt in the king, than to entertain any ſuch ſuſpicion, and it allowed ſcattered inſtances, of ſuch a kind as would have been totally deſtructive of the conſtitution, had they been continued without interruption.

I have not met with any Engliſh writer in that age, who ſpeaks of England as a limited monarchy, but as an abſolute one, where the people have many privileges. That is no contradiction. In all European monarchies, the people have privileges;

vileges; but whether dependant or independant on the will of the monarch, is a queſtion, that, in moſt governments, it is better to forbear. Surely that queſtion was not determined, before the age of James. The riſing ſpirit of the parliament, together with that king's love of general, ſpeculative principles, brought it from its obſcurity, and made it be commonly canvaſſed. The ſtrongeſt teſtimony, that I remember from a writer of James's age, in favour of Engliſh liberty, is in cardinal Bentivoglio, a foreigner, who mentions the Engliſh government as ſimilar to that of the Low-country provinces under their princes, rather than to that of France or Spain. Engliſhmen were not ſo ſenſible that their prince was limited, becauſe they were ſenſible, that no individual had any ſecurity againſt a ſtretch of prerogative: But foreigners, by compariſon, could perceive, that theſe ſtretches were, at that time, from cuſtom or other cauſes, leſs frequent in England than in other monarchies. Philip de Comines too remarked the Engliſh conſtitution to be more popular, in his time, than that of France. But in a paper written by a patriot in 1627, it is remarked that the freedom of ſpeech in parliament had been loſt in England, ſince the days of Comines. See Franklyn, p. 237. Here is a ſtanza of Malherbe's Ode to Mary de Medicis, the queen-regent, written in 1614.

Entre les rois à qui cet age
Doit ſon principal ornement,
Ceux de la Tamiſe et du Tage
Font louer leur gouvernement:
Mais en de ſi calmes provinces,
Ou le peuple adore les princes,
Et met au gré le plus haut
L'honneur du ſceptre legitime,
Sçauroit-on excuſer le crime
De ne regner pas comme il faut.

The Engliſh, as well as the Spaniards, are here pointed out as much more obedient ſubjects than the French, and much more tractable and ſubmiſſive to their princes. Though this paſſage be taken from a poet, every man of judgment will allow

allow its authority to be decisive. The character of a national government cannot be unknown in Europe; though it changes sometimes very suddenly. Machiavel, in his Dissertations on Livy, says repeatedly, that France was the most legal and most popular monarchy then in Europe.

NOTE [R], p. 161.

PASSIVE obedience is expressly and zealously inculcated in the homilies, composed and published by authority, in the reign of queen Elizabeth. The convocation, which met in the very first year of the king's reign, voted as high monarchical principles as are contained in the decrees of the university of Oxford, during the rule of the tories. These principles, so far from being deemed a novelty, introduced by James's influence, passed so smoothly, that no historian has taken notice of them: They were never the subject of controversy, or dispute, or discourse; and it is only by means of bishop Overall's Convocation-book, printed near seventy years after, that we are acquainted with them. Would James, who was so cautious, and even timid, have ventured to begin his reign with a bold stroke, which would have given just ground of jealousy to his subjects? It appears, from that monarch's Basilicon Doron, written while he was in Scotland, that the republican ideas of the origin of power from the people were, at that time, esteemed puritanical novelties. The patriarchal scheme, it is remarkable, is inculcated in those votes of the convocation preserved by Overall; nor was Filmer the first inventor of those absurd notions.

NOTE [S], p. 181.

THAT of the honest historian Stowe seems not to have been of this number. "The great blessings of God," says he, "through increase of wealth in the common subjects "of this land, especially upon the citizens of London; such "within men's memory, and chiefly within these few years "of peace, that, except there were now due mention of some "sort made thereof, it would in time to come be held incre-"dible,

" dible, &c." In another place, " Amongſt the manifold " tokens and ſigns of the infinite bleſſings of Almighty God " beſtowed upon this kingdom, by the wondrous and merci- " ful eſtabliſhing of peace within ourſelves, and the full be- " nefit of concord with all Chriſtian nations and others: Of " all which graces let no man dare to preſume he can ſpeak " too much; whereof in truth there can never be enough " ſaid, neither was there ever any people leſs conſiderate and " leſs thankful than at this time, being not willing to endure " the memory of their preſent happineſs, as well as in the " univerſal increaſe of commerce and traffic throughout the " kingdom, great building of royal ſhips and by private mer- " chants, the re-peopling of cities, towns, and villages, be- " ſide the diſcernible and ſudden increaſe of fair and coſtly " buildings, as well within the city of London as the ſuburbs " thereof, eſpecially within theſe twelve years, &c."

NOTE [T], p. 217.

BY a ſpeech of Sir Simon D'Ewes, in the firſt year of the long parliament, it clearly appears, that the nation never had, even to that time, been rightly informed concerning the tranſactions of the Spaniſh negociation, and ſtill believed the court of Madrid to have been altogether inſincere in their profeſſions. What reaſon, upon that ſuppoſition, had they to blame either the prince or Buckingham for their conduct, or for the narrative delivered to the parliament? This is a capital fact, and ought to be well attended to. D'Ewes's ſpeech is in Nalſon, vol. ii. p. 368. No author or hiſtorian of that age mentions the diſcovery of Buckingham's impoſtures as a cauſe of diſguſt in the parliament. Whitlocke, p. 1. only ſays, that the commons began to ſuſpect, *that it had been ſpleen in Buckingham*, not zeal for public good, *which had induced him to break the Spaniſh match:* A clear proof that his falſehood was not ſuſpected. Wilſon, p. 780. ſays, that Buckingham loſt his popularity after Briſtol arrived, not becauſe that nobleman diſcovered to the world the falſehood of his narrative, but becauſe he proved that Buckingham, while in

in Spain, had profeſſed himſelf a papiſt; which is falſe, and which was never ſaid by Briſtol. In all the debates which remain, not the leaſt hint is ever given, that any falſehood was ſuſpected in the narrative. I ſhall farther add, that even if the parliament had diſcovered the deceit in Buckingham's narrative, this ought not to have altered their political meaſures, or made them refuſe ſupply to the king. They had ſuppoſed it practicable to wreſt the Palatinate by arms from the houſe of Auſtria; they had repreſented it as prudent to expend the blood and treaſure of the nation to ſuch an enterprize; they had believed that the king of Spain never had any ſincere intention of reſtoring that principality. It is certain that he had not now any ſuch intention: And though there was reaſon to ſuſpect, that this alteration in his views had proceeded from the ill conduct of Buckingham, yet paſt errors could not be retrieved; and the nation was undoubtedly in the ſame ſituation, which the parliament had ever ſuppoſed, when they ſo much haraſſed their ſovereign, by their impatient, importunate, and even undutiful ſolicitations. To which we may add, that Charles himſelf was certainly deceived by Buckingham, when he corroborated his favourite's narrative by his teſtimony. Party hiſtorians are ſomewhat inconſiſtent in their repreſentations of theſe tranſactions: They repreſent the Spaniards as totally inſincere, that they may reproach James with credulity in being ſo long deceived by them: They repreſent them as ſincere, that they may reproach the king, the prince, and the duke, with falſehood in their narrative to the parliament. The truth is, they were inſincere at firſt; but the reaſons, proceeding from bigotry, were not ſuſpected by James, and were at laſt overcome. They became ſincere; but the prince, deceived by the many unavoidable cauſes of delay, believed that they were ſtill deceiving him.

NOTE [U], p. 253.

THIS petition is of ſo great importance, that we ſhall here give it at length. Humbly ſhew unto our ſovereign lord the king, the lords ſpiritual and temporal, and commons, in parliament aſſembled, That, whereas it is declared and enacted

by a ſtatute made in the time of the reign of king Edward I. commonly called *Statutum de tallagio non concedendo*, that no tallage or aid ſhall be levied by the king or his heirs in this realm, without the good will and aſſent of the archbiſhops, biſhops, earls, barons, knights, burgeſſes, and other the freemen of the commonalty of this realm: And, by authority of parliament holden in the five and twentieth year of the reign of king Edward III. it is declared and enacted, That, from thenceforth, no perſon ſhall be compelled to make any loans to the king againſt his will, becauſe ſuch loans were againſt reaſon, and the franchiſe of the land: And, by other laws of this realm, it is provided, that none ſhould be charged by any charge or impoſition called a benevolence, or by ſuch like charge: By which the ſtatutes before mentioned, and other the good laws and ſtatutes of this realm, your ſubjects have inherited this freedom, that they ſhould not be compelled to contribute to any tax, tallage, aid, or other like charge, not ſet by common conſent in parliament.

II. YET nevertheleſs, of late divers commiſſions directed to ſundry commiſſioners in ſeveral counties, with inſtructions, have iſſued; by means whereof your people have been in divers places aſſembled, and required to lend certain ſums of money unto your majeſty, and many of them, upon their refuſal ſo to do, have had an oath adminiſtered unto them not warrantable by the laws or ſtatutes of this realm, and have been conſtrained to become bound to make appearance and give attendance before your privy council, and in other places; and others of them have been therefore impriſoned, confined, and ſundry other ways moleſted and diſquieted: And divers other charges have been laid and levied upon your people, in ſeveral counties, by lord-lieutenants, deputy-lieutenants, commiſſioners for muſters, juſtices of peace, and others, by command or direction from your majeſty, or your privy council, againſt the laws and free cuſtoms of this realm.

III. AND whereas alſo, by the ſtatute called *The great charter of the liberties of England*, it is declared and enacted, That no freeman may be taken or impriſoned, or

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be diſſeiſed of his freehold or liberties, or his free cuſtoms, or be outlawed or exiled, or in any manner deſtroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And, in the eight and twentieth year of the reign of king Edward III. it was declared and enacted, by authority of parliament, That no man, of what eſtate or condition that he be, ſhould be put out of his land or tenements, nor taken, nor impriſoned, nor diſherited, nor put to death, without being brought to anſwer by due proceſs of law.

V. Nevertheless, againſt the tenor of the ſaid ſtatutes, and other the good laws and ſtatutes of your realm to that end provided, divers of your ſubjects have of late been impriſoned without any cauſe ſhewed; and, when, for their deliverance, they were brought before juſtice, by your majeſty's writs of *Habeas Corpus*, there to undergo and receive as the court ſhould order, and their keepers commanded to certify the cauſes of their detainer, no cauſe was certified, but that they were detained by your majeſty's ſpecial command, ſignified by the lords of your privy council, and yet were returned back to ſeveral priſons, without being charged with any thing to which they might make anſwer according to the law.

VI. And whereas of late great companies of ſoldiers and mariners have been diſperſed into divers counties of the realm, and the inhabitants, againſt their wills, have been compelled to receive them into their houſes, and there to ſuffer them to ſojourn, againſt the laws and cuſtoms of this realm, and to the great grievance and vexation of the people.

VII. And whereas alſo, by authority of parliament, in the five and twentieth year of the reign of king Edward III. it is declared and enacted, That no man ſhall be fore-judged of life or limb againſt the form of the *Great charter* and law of the land: And, by the ſaid *Great charter*, and other the laws and ſtatutes of this your realm, no man ought to be judged to death but by the laws eſtabliſhed in this your realm, either by the cuſtoms of the ſame realm, or by acts of parliament:

And whereas no offender, of what kind ſoever, is exempted from the proceedings to be uſed, and puniſhments to be inflicted by the laws and ſtatutes of this your realm: Nevertheleſs, of late divers commiſſions, under your majeſty's great ſeal, have iſſued forth, by which certain perſons have been aſſigned and appointed commiſſioners, with power and authority to proceed within the land, according to the juſtice of martial law, againſt ſuch ſoldiers and mariners, or other diſſolute perſons joining with them, as ſhould commit any murther, robbery, felony, mutiny, or other outrage or miſdemeanour whatſoever, and by ſuch ſummary courſe and order as is agreeable to martial law, and as is uſed in armies in time of war, to proceed to the trial and condemnation of ſuch offenders, and them to cauſe to be executed and put to death according to the law martial.

VIII. By pretext whereof ſome of your majeſty's ſubjects have been, by ſome of the ſaid commiſſioners, put to death, when and where, if, by the laws and ſtatutes of the land, they had deſerved death, by the ſame laws and ſtatutes alſo they might, and by no other ought, to have been judged and executed.

IX. And alſo ſundry grievous offenders, by colour thereof claiming an exemption, have eſcaped the puniſhments due to them by the laws and ſtatutes of this your realm, by reaſon that divers of your officers and miniſters of juſtice have unjuſtly refuſed or forborn to proceed againſt ſuch offenders, according to the ſame laws and ſtatutes, upon pretence that the ſaid offenders were puniſhable only by martial law, and by authority of ſuch commiſſions as aforeſaid: Which commiſſions, and all other of like nature, are wholly and directly contrary to the ſaid laws and ſtatutes of this your realm.

X. They do therefore humbly pray your moſt excellent majeſty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or ſuch like charge, without common conſent, by act of parliament: And that none be called to make anſwer, or take ſuch oath, or to give attendance, or be confined, or otherwiſe moleſted or diſquieted

quieted concerning the ſame, or for refuſal thereof: And that no freeman, in any ſuch manner as is before mentioned, be impriſoned or detained: And that your majeſty would be pleaſed to remove the ſaid ſoldiers and mariners, and that people may not be ſo burthened in time to come; and that the aforeſaid commiſſions, for proceeding by martial law, may be revoked and annulled: And that hereafter no commiſſions of like nature may iſſue forth, to any perſon or perſons whatſoever, to be executed as aforeſaid, leſt, by colour of them, any of your majeſty's ſubjects be deſtroyed, or put to death, contrary to the laws and franchiſe of the land.

XI. ALL which they moſt humbly pray of your moſt excellent majeſty, as their rights and liberties, according to the laws and ſtatutes of this realm: And that your majeſty would alſo vouchſafe to declare, That the awards, doings, and proceedings to the prejudice of your people, in any of the premiſes, ſhall not be drawn hereafter into conſequence or example: And that your majeſty would be alſo graciouſly pleaſed, for the further comfort and ſafety of your people, to declare your royal will and pleaſure, that in the things aforeſaid, all your officers and miniſters ſhall ſerve you according to the laws and ſtatutes of this realm, as they tender the honour of your majeſty, and the proſperity of this kingdom. *Stat.* 17 *Car. cap.* 14.

NOTE [X], p. 267.

THE reaſon aſſigned by Sir Philip Warwick, p. 2. for this unuſual meaſure of the commons, is, that they intended to deprive the crown of the prerogative, which it had aſſumed, of varying the rates of the impoſitions, and at the ſame time were reſolved to cut off the new rates fixed by James. Theſe were conſiderable diminutions both of reveoue and prerogative; and whether they would have there ſtopped, conſidering their preſent diſpoſition, may be much doubted. The king, it ſeems, and the lords, were reſolved not to truſt them; nor to render a revenue once precarious, which perhaps they might never afterwards be able to get reeſtabliſhed on the old footing.

NOTE

NOTE [Y], p. 304.

HERE is a paſſage of Sir John Davis's queſtion concerning impoſitions, p. 131. "This power of laying on "arbitrarily new impoſitions being a prerogative in point of "government, as well as in point of profit, it cannot be "reſtrained or bound by act of parliament; it cannot be "limited by any certain or fixt rule of law, no more than "the courſe of a pilot upon the ſea, who muſt turn the helm, "or bear higher or lower ſail, according to the wind or "weather; and therefore it may be properly ſaid, that the "king's prerogative in this point, is as ſtrong as *Samſon*; it "cannot be bound: For though an act of parliament be "made to reſtrain it, and the king doth give his conſent "unto it, as *Samſon* was bound with his own conſent, yet if "the *Philiſtines* come; that is, if any juſt or important occa-"ſion do ariſe, it cannot hold or reſtrain the prerogative; it "will be as thread, and broken as eaſy as the bonds of *Sam-"ſon*—The king's prerogatives are the ſun-beams of the "crown, and as inſeparable from it as the ſun-beams from "the ſun: The king's crown muſt be taken from him; "*Samſon*'s hair muſt be cut out, before his courage can be "any jot abated. Hence it is that neither the king's act, nor "any act of parliament, can give away his prerogative."

NOTE [Z], p. 356.

WE ſhall here make uſe of the liberty, allowed in a note, to expatiate a little on the preſent ſubject. It muſt be confeſſed that the king, in this declaration, touched upon that circumſtance in the Engliſh conſtitution, which it is moſt difficult, or rather altogether impoſſible, to regulate by laws, and which muſt be governed by certain delicate ideas of propriety and decency, rather than by any exact rule or preſcription. To deny the parliament all right of remonſtrating againſt what they eſteem grievances, were to reduce that aſſembly to a total inſignificancy, and to deprive the people of every advantage, which they could reap from popular

councils. To complain of the parliament's employing the power of taxation, as the means of extorting conceſſions from their ſovereign, were to expect, that they would entirely diſarm themſelves, and renounce the ſole expedient, provided by the conſtitution, for enſuring to the kingdom a juſt and legal adminiſtration. In different periods of Engliſh ſtory, there occur inſtances of their remonſtrating with their princes in the freeſt manner, and ſometimes of their refuſing ſupply, when diſguſted with any circumſtance of public conduct. 'Tis, however, certain, that this power, though eſſential to parliaments, may eaſily be abuſed, as well by the frequency and minuteneſs of their remonſtrances, as by their intruſion into every part of the king's counſels and determinations. Under colour of advice, they may give diſguiſed orders; and in complaining of grievances, they may draw to themſelves every power of government. Whatever meaſure is embraced, without conſulting them, may be pronounced an oppreſſion of the people; and, till corrected, they may refuſe the moſt neceſſary ſupplies to their indigent ſovereign. From the very nature of this parliamentary liberty, it is evident, that it muſt be left unbounded by law: For who can foretell, how frequently grievances may occur, or what part of adminiſtration may be affected by them? From the nature too of the human frame, it may be expected, that this liberty would be exerted in its full extent, and no branch of authority be allowed to remain unmoleſted in the hands of the prince: For will the weak limitations of reſpect and decorum be ſufficient to reſtrain human ambition, which ſo frequently breaks through all the preſcriptions of law and juſtice?

But here it is obſervable, that the wiſdom of the Engliſh conſtitution, or rather the concurrence of accidents, has provided, in different periods, certain irregular checks to this privilege of parliament, and thereby maintained, in ſome tolerable meaſure, the dignity and authority of the crown.

In the ancient conſtitution, before the beginning of the ſeventeenth century, the meetings of parliament were precarious, and were not frequent. The ſeſſions were ſhort; and

the members had no leiſure, either to get acquainted with each other, or with public buſineſs. The ignorance of the age made men more ſubmiſſive to that authority which governed them. And above all, the large demeſnes of the crown, with the ſmall expence of government during that period, rendered the prince almoſt independent, and taught the parliament to preſerve great ſubmiſſion and duty towards him.

In our preſent conſtitution, many accidents, which have rendered governments, every where, as well as in Great Britain, much more burthenſome than formerly, have thrown into the hands of the crown the diſpoſal of a large revenue, and have enabled the king, by the private intereſt and ambition of the members, to reſtrain the public intereſt and ambition of the body. While the oppoſition (for we muſt ſtill have an oppoſition, open or diſguiſed) endeavours to draw every branch of adminiſtration under the cognizance of parliament, the courtiers reſerve a part to the diſpoſal of the crown; and the royal prerogative, though deprived of its ancient powers, ſtill maintains a due weight in the balance of the conſtitution.

It was the fate of the houſe of Stuart to govern England at a period, when the former ſource of authority was already much diminiſhed, and before the latter began to flow in any tolerable abundance. Without a regular and fixed foundation, the throne perpetually tottered; and the prince ſat upon it anxiouſly and precariouſly. Every expedient, uſed by James and Charles, in order to ſupport their dignity, we have ſeen attended with ſenſible inconveniences. The majeſty of the crown, derived from ancient powers and prerogatives, procured reſpect, and checked the approaches of inſolent intruders: But it begat in the king ſo high an idea of his own rank and ſtation, as made him incapable of ſtooping to popular courſes, or ſubmitting, in any degree, to the controul of parliament. The alliance with the hierarchy ſtrengthened law by the ſanction of religion: But it enraged the puritanical party, and expoſed the prince to the attacks of enemies, numerous, violent, and implacable. The

memory too of theſe two kings, from like cauſes, has been attended, in ſome degree, with the ſame infelicity, which purſued them during the whole courſe of their lives. Though it muſt be confeſſed, that their ſkill in government was not proportioned to the extreme delicacy of their ſituation; a ſufficient indulgence has not been given them, and all the blame, by ſeveral hiſtorians, has been unjuſtly thrown on *their* ſide. Their violations of law, particularly thoſe of Charles, are, in ſome few inſtances, tranſgreſſions of a plain limit, which was marked out to royal authority. But the encroachments of the commons, though, in the beginning, leſs poſitive and determinate, are no leſs diſcernible by good judges, and were equally capable of deſtroying the juſt balance of the conſtitution. While they exerciſed the powers, tranſmitted to them, in a manner more independent, and leſs compliant, than had ever before been practiſed; the kings were, perhaps imprudently, but, as they imagined, from neceſſity, tempted to aſſume powers, which had ſcarcely ever been exerciſed, or had been exerciſed in a different manner, by the crown. And from the ſhock of theſe oppoſite pretenſions, together with religious controverſy, aroſe all the factions, convulſions, and diſorders, which attended that period.

This Note was, in the firſt editions, a part of the text.

NOTE [AA], p. 415.

MR. Carte, in his life of the duke of Ormond, has given us ſome evidence to prove, that this letter was entirely a forgery of the popular leaders, in order to induce the king to ſacrifice Strafford. He tells us, that Strafford ſaid ſo to his ſon, the night before his execution. But there are ſome reaſons, why I adhere to the common way of telling this ſtory. 1. The account of the forgery comes through ſeveral hands, and from men of characters not fully known to the public. A circumſtance which weakens every evidence. It is a hearſay of a hearſay. 2. It ſeems impoſſible, but young Lord Strafford muſt inform the king, who would not have failed to trace the forgery, and expoſe his enemies to their merit-

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ed infamy. 3. It is not be conceived but Clarendon and Whitlocke, not to mention others, muſt have heard of the matter. 4. Sir George Ratcliffe, in his life of Strafford, tells the ſtory the ſame way that Clarendon and Whitlocke do. Would he alſo, who was Strafford's intimate friend, never have heard of the forgery? It is remarkable, that this life is dedicated or addreſſed to young Strafford. Would not he have put Sir George right in ſo material and intereſting a fact?

NOTE [BB], p. 416.

WHAT made this bill appear of leſs conſequence was, that the parliament voted tonnage and poundage for no longer a period than two months: And as that branch was more than half of the revenue, and the government could not poſſibly ſubſiſt without it; it ſeemed indirectly in the power of the parliament to continue themſelves as long as they pleaſed. This indeed was true in the ordinary adminiſtration of government: But on the approaches towards a civil war, which was not then foreſeen, it had been of great conſequence to the king to have reſerved the right of diſſolution, and to have endured any extremity, rather than allow the continuance of the parliament.

NOTE [CC], p. 447.

IT is now ſo univerſally allowed, notwithſtanding ſome muttering to the contrary, that the king had no hand in the Iriſh rebellion, that it will be ſuperfluous to inſiſt on a point which ſeems ſo clear. I ſhall only ſuggeſt a very few arguments, among an infinite number which occur. (1) Ought the affirmation of perfidious, infamous rebels ever to have paſſed for any authority? (2) Nobody can tell us what the words of the pretended commiſſion were. That commiſſion which we find in Ruſhworth, vol. v. p. 400. and in Milton's Works, Toland's edition, is plainly an impoſture; becauſe it pretends to be dated in October 1641, yet mentions facts which happened not till ſome months after. It appears that

the Iriſh rebels, obſerving ſome inconſiſtence in their firſt forgery, were obliged to forge this commiſſion anew, yet could not render it coherent or probable. (3) Nothing could be more obviouſly pernicious to the king's cauſe than the Iriſh rebellion; becauſe it increaſed his neceſſities, and rendered him ſtill more dependent on the parliament, who had before ſufficiently ſhown on what terms they would aſſiſt him. (4) The inſtant the king heard of the rebellion, which was a very few days after its commencement, he wrote to the parliament, and gave over to them the management of the war. Had he built any projects on that rebellion, would he not have waited ſome little time, to ſee how they would ſucceed? Would he preſently have adopted a meaſure which was evidently ſo hurtful to his authority? (5) What can be imagined to be the king's projects? To raiſe the Iriſh to arms, I ſuppoſe, and bring them over to England for his aſſiſtance. But is it not plain, that the king never intended to raiſe war in England? Had that been his intention, would he have rendered the parliament perpetual? Does it not appear, by the whole train of events, that the parliament forced him into the war? (6) The king conveyed to the juſtices intelligence which ought to have prevented the rebellion. (7) The Iriſh catholics, in all their future tranſactions with the king, where they endeavour to excuſe their inſurrection, never had the aſſurance to plead his commiſſion. Even among themſelves they dropped that pretext. It appears that Sir Phelim O'Neale, chiefly, and he only at firſt, promoted that impoſture. See Carte's Ormond, vol. iii. No. 100. 111, 112. 114, 115. 121. 132. 137. (8) O'Neale himſelf confeſſed the impoſture on his trial and at his execution. See Nalſon, vol. ii. p. 528. Maguire, at his execution, made a like confeſſion. (9) It is ridiculous to mention the juſtification which Charles II. gave to the marquis of Antrim, as if he had acted by his father's commiſſion. Antrim had no hand in the firſt rebellion and the maſſacre. He joined not the rebels till two years after: It was with the king's conſent; and he did important ſervice, in ſending over a body of men to Montroſe.

NOTE

NOTE [DD], p. 486.

THE great courage and conduct, diſplayed by many of the popular leaders, have commonly inclined men to do them, in one reſpect, more honour than they deſerve, and to ſuppoſe, that, like able politicians, they employed pretences which they ſecretly deſpiſed, in order to ſerve their ſelfiſh purpoſes. It is, however, probable, if not certain, that they were, generally ſpeaking, the dupes of their own zeal. Hypocriſy, quite pure and free from fanaticiſm, is perhaps, except among men fixed in a determined philoſophical ſcepticiſm, then unknown, as rare as fanaticiſm entirely purged from all mixture of hypocriſy. So congenial to the human mind are religious ſentiments, that it is impoſſible to counterfeit long theſe holy fervours, without feeling ſome ſhare of the aſſumed warmth: And, on the other hand, ſo precarious and temporary, from the frailty of human nature, is the operation of theſe ſpiritual views, that the religious ecſtaſies, if conſtantly employed, muſt often be counterfeit, and muſt be warped by thoſe more familiar motives of intereſt and ambition, which inſenſibly gain upon the mind. This indeed ſeems the key to moſt of the celebrated characters of that age. Equally full of fraud and of ardour, theſe pious patriots talked perpetually of ſeeking the Lord, yet ſtill purſued their own purpoſes; and have left a memorable leſſon to poſterity, how deluſive, how deſtructive, that principle is by which they were animated.

WITH regard to the people, we can entertain no doubt, that the controverſy was, on their part, entirely theological. The generality of the nation could never have flown out into ſuch fury, in order to obtain new privileges and acquire greater liberty than they and their anceſtors had ever been acquainted with. Their fathers had been entirely ſatisfied with the government of Elizabeth: Why ſhould they have been thrown into ſuch extreme rage againſt Charles, who, from the beginning of his reign, wiſhed only

only to maintain ſuch a government? And why not, at leaſt, compound matters with him, when, by all his laws, it appeared, that he had agreed to depart from it? Eſpecially, as he had put it entirely out of his power to retract that reſolution. It is in vain, therefore, to dignify this civil war and the parliamentary authors of it, by ſuppoſing it to have any other conſiderable foundation than theological zeal, that great and noted ſource of animoſity among men. The royaliſts alſo were very commonly zealots; but as they were, at the ſame time, maintaining the eſtabliſhed conſtitution, in ſtate as well as church, they had an object which was natural, and which might produce the greateſt paſſion, even without any conſiderable mixture of theological fervour. *The former part of this note was, in the firſt editions, a part of the text.*

NOTE [EE], p. 488.

IN ſome of theſe declarations, ſuppoſed to be penned by lord Falkland, is found the firſt regular definition of the conſtitution, according to our preſent ideas of it, that occurs in any Engliſh compoſition; at leaſt any publiſhed by authority. The three ſpecies of government, monarchical, ariſtocratical, and democratical, are there plainly diſtinguiſhed, and the Engliſh government is expreſsly ſaid to be none of them pure, but all of them mixed and tempered together. This ſtile, though the ſenſe of it was implied in many inſtitutions, no former king of England would have uſed, and no ſubject would have been permitted to uſe. Banks and the crown-lawyers againſt Hambden, in the caſe of ſhip-money, inſiſt plainly and openly on the king's abſolute and ſovereign power: And the oppoſite lawyers do not deny it: They only aſſert, that the ſubjects have alſo a fundamental property in their goods, and that no part of them can be taken but by their own conſent in parliament. But that the parliament was inſtituted to check and controul the king, and ſhare the ſupreme power, would, in all former times, have been eſteemed very blunt and indiſcreet, if not illegal, language. We need not be ſurpriſed that governments ſhould long continue,

though the boundaries of authority, in their ſeveral branches, be implicit, confuſed, and undetermined. This is the caſe all over the world. Who can draw an exact line between the ſpiritual and temporal powers in catholic ſtates? What code aſcertained the preciſe authority of the Roman ſenate, in every occurrence? Perhaps the Engliſh is the firſt mixed government, where the authority of every part has been very accurately defined: And yet there ſtill remain many very important queſtions between the two houſes, that, by common conſent, are buried in a diſcreet ſilence. The king's power is, indeed, more exactly limited; but this period, of which we now treat, is the time at which that accuracy commenced. And it appears from Warwick and Hobbes, that many royaliſts blamed this philoſophical preciſion in the king's penman, and thought that the veil was very imprudently drawn off the myſteries of government. It is certain, that liberty reaped mighty advantages from theſe controverſies and enquiries; and the royal authority itſelf became more ſecure, within thoſe provinces which were aſſigned to it. *Since the firſt publication of this hiſtory, the ſequel of Lord Clarendon has been publiſhed; where that nobleman aſſerts, that he himſelf was the author of moſt of theſe remonſtrances and memorials of the king.*

NOTE [FF], p. 511.

WHITLOCKE, who was one of the commiſſioners, ſays, p. 65. "In this treaty the king manifeſted his "great parts and abilities, ſtrength of reaſon and quickneſs "of apprehenſion, with much patience in hearing what was "objected againſt him; wherein he allowed all freedom, "and would himſelf ſum up the arguments, and give a moſt "clear judgment upon them. His unhappineſs was, that "he had a better opinion of others judgments than of his "own, though they were weaker than his own; and of this "the parliament commiſſioners had experience to their great "trouble. They were often waiting on the king, and de-"bating ſome points of the treaty with him, until midnight,

"before

" before they could come to a conclufion. Upon one of the " moſt material points, they preſſed his majeſty with their " reaſons and beſt arguments they could uſe to grant what " they deſired. The king ſaid, he was fully ſatisfied, and " promiſed to give them his anſwer in writing according to " their deſire; but becauſe it was then paſt midnight, and " too late to put it into writing, he would have it drawn up " next morning (when he commanded them to wait on " him again), and then he would give them his anſwer in " writing, as it was now agreed upon. But next morning " the king told them, that he had altered his mind: And " ſome of his friends, of whom the commiſſioners enquired, " told them, that after they were gone, and even his council " retired, ſome of his bed-chamber never left preſſing and " perſuading him till they prevailed on him to change his " former reſolutions." It is difficult, however, to conceive, that any negociation could have ſucceeded between the king and parliament, while the latter inſiſted, as they did all along, on a total ſubmiſſion to all their demands; and challenged the whole power, which they profeſſedly intended to employ, to the puniſhment of all the king's friends.

NOTE [GG], p. 521.

THE author is ſenſible that ſome blame may be thrown upon him, on account of this laſt clauſe in Mr. Hambden's character; as if he were willing to entertain a ſuſpicion of bad intentions, where the actions were praiſe-worthy. But the author's meaning is directly contrary: He eſteems the laſt actions of Mr. Hambden's life to have been very blameable; though, as they were derived from good motives only puſhed to an extreme, there is room left to believe, that the intentions of that patriot, as well as of many of his party, were laudable. Had the preceding adminiſtration of the king, which we are apt to call arbitrary, proceeded from ambition, and an unjuſt deſire of encroaching on the ancient liberties of the people, there would have been leſs reaſon for giving him any truſt, or leaving in his hands a conſiderable ſhare

ſhare of that power which he had ſo much abuſed. But if his conduct was derived in a great meaſure from neceſſity, and from a natural deſire of defending that prerogative which was tranſmitted to him from his anceſtors, and which his parliaments were viſibly encroaching on; there is no reaſon why he may not be eſteemed a very virtuous prince, and entirely worthy of truſt from his people. The attempt, therefore, of totally annihilating monarchical power, was a very blameable extreme; eſpecially as it was attended with the danger, to ſay the leaſt, of a civil war, which, beſides the numberleſs ills inſeparable from it, expoſed liberty to much greater perils than it could have incurred under the now limited authority of the king. But as theſe points could not be ſuppoſed ſo clear during the time, as they are, or may be, at preſent; there are great reaſons of alleviation for men who were heated by the controverſy, or engaged in the action. And it is remarkable, that even at preſent (ſuch is the force of party prejudices) there are few people who have coolneſs enough to ſee theſe matters in a proper light, or are convinced that the parliament could prudently have ſtopped in their pretenſions. They ſtill plead the violations of liberty attempted by the king, after granting the petition of right; without conſidering the extreme harſh treatment which he met with, after making that great conceſſion, and the impoſſibility of ſupporting government by the revenue then ſettled on the crown. The worſt of it is, that there was a great tang of enthuſiaſm in the conduct of the parliamentary leaders, which, though it might render their conduct ſincere, will not much enhance their character with poſterity. And though Hambden was, perhaps, leſs infected with this ſpirit than many of his aſſociates, he appears not to have been altogether free from it. His intended migration to America, where he could only propoſe the advantage of enjoying puritanical prayers and ſermons, will be allowed a proof of the prevalence of this ſpirit in him.

NOTE

NOTE [HH], p. 538.

IN a letter of the king to the queen, preſerved in the Britiſh Muſæum, and publiſhed by Mrs. Macaulay, vol. iv. p. 420, he ſays, that unleſs religion was preſerved, the militia (being not as in France a formed powerful ſtrength) would be of little uſe to the crown; and that if the pulpits had not obedience, which would never be, if preſbyterian government was abſolutely eſtabliſhed, the king would have but ſmall comfort of the militia. This reaſoning ſhows the king's good ſenſe, and proves, that his attachment to epiſcopacy, though partly founded on religious principles, was alſo, in his ſituation, derived from the ſoundeſt views of civil policy. In reality, it was eaſy for the king to perceive, by the neceſſary connexion between trifles and important matters, and by the connexion maintained at that time between religion and politics, that, when he was contending for the ſurplice, he was, in effect, fighting for his crown and even for his head. Few of the popular party could perceive this connexion: Moſt of them were carried headlong by fanaticiſm; as might be expected in the ignorant multitude. Few even of the leaders ſeem to have had more enlarged views.

END OF THE SIXTH VOLUME.